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TO

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DURING

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1849-'50.

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PRINTED

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DURING THE

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Communicating reports of reconnaissances of routes from San Antonio to El Paso by Brevet Lieutenant Colonel Johnston, Lieutenants Smith, Bryan, and Michler, and Captain S. G. French, of the quartermaster's department - - - - -	14	64	1
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REPORTS

OF

THE SECRETARY OF WAR,

WITH

**RECONNAISSANCES OF ROUTES FROM SAN ANTONIO TO
EL PASO,**

BY

**BREVET LT. COL. J. E. JOHNSTON;
LIEUTENANT W. F. SMITH;
LIEUTENANT F. T. BRYAN;
LIEUTENANT N. H. MICHLER; AND
CAPTAIN S. G. FRENCH, OF Q'RMASER'S DEP'T.**

ALSO,

**THE REPORT OF CAPT. R. B. MARCY'S ROUTE FROM FORT SMITH
TO SANTA FE; AND THE REPORT OF LIEUT. J. H. SIMPSON
OF AN EXPEDITION INTO THE NAVAJO COUNTRY;**

AND

**THE REPORT OF LIEUTENANT W. H. C. WHITING'S RECONNAISSANCES OF THE
WESTERN FRONTIER OF TEXAS.**

JULY 24, 1850.
Ordered to be printed, and that 3,000 additional copies be printed, 300 of which are for the
Topographical Bureau.

WASHINGTON:
PRINTED AT THE UNION OFFICE.

1850.

REPORTS OF RECONNAISSANCES, &c.

WAR DEPARTMENT,

Washington, July 23, 1850.

SIR: In answer to a resolution of the Senate of the 8th ultimo, calling for "copies of the journals of all reconnaissances returned to the Topographical Bureau by officers of the United States making such surveys within the last year, and not heretofore communicated, together with copies of the maps and sketches belonging to said reconnaissances," &c., &c., I have the honor to submit herewith a communication from the chief of the Topographical Bureau, transmitting the following reports:

1. Report of a reconnaissance of a route for a road from San Antonio to El Paso, by Lieutenant W. F. Smith, Corps Topographical Engineers, dated May 25, 1849.
2. Report of a reconnaissance of the country between Corpus Christi and the military post on the Leona, with a reference to the practicability of opening a road connecting these two places, by Lieutenant N. Michler, Corps Topographical Engineers, dated July 31, 1849.
3. Report of a reconnaissance of the Sacramento mountains, to ascertain if there existed a pass through them practicable for wagons, by Lieutenant W. F. Smith, Corps of Topographical Engineers, dated October 3, 1849.
4. Report of a reconnaissance of a route from San Antonio, *via* Fredericksburg, to El Paso, to obtain information in reference to a permanent military road from the Gulf of Mexico to El Paso, by Lieutenant Frs. T. Bryan, Corps Topographical Engineers, dated December 1, 1849.
5. Report of Brevet Lieutenant Colonel J. E. Johnston, Corps Topographical Engineers, descriptive of the country between San Antonio and El Paso, dated December 28, 1849.
6. Report of a reconnaissance of a route from the upper valley of the south branch of Red river to the Rio Pecos, by Lieutenant N. Michler, Corps Topographical Engineers, dated January 28, 1850.
7. Report from Brevet Lieutenant Colonel J. E. Johnston, Corps Topographical Engineers, on the condition of the river Colorado, and probable cost of improving its navigation.

I am, very respectfully, your obedient servant,

S. J. ANDERSON,

Secretary of War ad interim.

Hon. WM. R. KING,

President pro tem. of the Senate.

BUREAU OF TOPOGRAPHICAL ENGINEERS,

Washington, July 23, 1850.

SIR: In conformity with a resolution of the Senate of the 8th ultimo, I have the honor to transmit the following reports:

1. Report of a reconnaissance of a route for a road from San Antonio to El Paso, by Lieutenant W. F. Smith, Corps Topographical Engineers, dated May 25, 1849.

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7. Report from Brevet Lieutenant Colonel J. E. Johnston, Corps Topographical Engineers, on the condition of the river Colorado, and probable cost of improving its navigation.

The surveys referred to in these several reports have been reduced to one scale, and are embodied in the map attached to this letter.

Respectfully, sir, your obedient servant.

J. J. ABERT,

Colonel Corps Topographical Engineers.

Hon. SAML. J. ANDERSON,
Acting Secretary of War.

SAN ANTONIO DE BEXAR, *May 25, 1849.*

SIR: I have the honor to inform you that, in obedience to orders received on the 9th of February last, I left this place on the 12th of that month for El Paso del Norte, *via* Presidio del Norte and the valley of the Rio Grande—the object of the expedition being to find, if possible, a suitable road for military and commercial purposes from this point to El Paso. Our route lay through Fredericksburg, and thence partly by the old Pinta trail, to the head-waters of the south fork of the San Saba river. The road from this place to Fredericksburg being well known and frequently travelled, I shall omit a description of it. From there to the head-lake or spring of the San Saba, the distance is about one hundred and six miles, the country well wooded and watered, and requiring but little labor to make a fine wagon-road. The approximate latitude of our camp, situated about a mile from the ford of the river, near the mouth of Camp creek, I found to be $30^{\circ} 53' 0''.6$. From the spring of the San Saba for about fourteen miles, we passed up one of the head-gullies of the river, in which we found five or six water-holes, but were unable to pronounce them permanent. Leaving this point, we ascended to the high table land, and travelled for about one hundred and ten miles in a direction somewhat south of west, without finding even water-holes, and being occupied three days and a night in making that distance. This portion of the route was mostly

over the table land, though at times we entered and followed for short distances the head-gullies of the San Pedro river. The table land is thinly covered with the mezquite tree; and in the gullies leading to the rivers heading in that portion of the country are occasional clumps of the live oak. Though this country, for the distance of a hundred and twenty-four miles, was such as to require no labor in advance of the wagon train, yet the great want of water caused us to consider the route as impracticable, except at the enormous expense of digging wells along it. The water we first struck, after leaving the head-gullies of the San Saba, was that of Live Oak creek, a tributary to the Rio Puerco, or Pecos, and running in a southwesterly direction. The distance from the first water attainable in this creek to its mouth is but about eight miles. The Puerco is a muddy, swift, and narrow stream, never exceeding forty, and in many places probably not more than twenty-five feet in width. The ford by which we crossed the animals appears to be frequently used by the Indians, in their incursions into Mexico. The river here was probably not more than three and a half or four feet in depth, but the velocity of the current was so great that the mules were obliged to swim for a short distance. Leaving the Puerco about forty miles above this ford, the road passes through the table hills to the Ojo Escondido, distant about twenty-two miles, in a southwest direction. From this point, for about twenty seven miles, the route is nearly west—passing by one large spring, (the Ahuache,) at a distance of about seventeen miles, and reaching the last prairie spring ten miles further on. From this point to the next permanent water, (a running creek,) the estimated distance is thirty-five miles, though it may be found to be four or five miles less. This creek is followed for a distance of about twenty five miles to the Painted Comanche camp; and here the road to Presidio del Norte passes to the southward and westward, while the road to El Paso del Norte strikes northwestward towards the pass in the mountains on the Rio Grande, striking that river about ninety-five miles above Presidio del Norte. The road from this camp may either follow the creek to its head, passing through the mountains there, or, by leaving the mountains, directly pass along parallel to their western slope, thus obtaining a road with less labor and less water. The distance from the last water in this chain (the Diablo) to water in the mountains on the Rio Grande cannot exceed thirty-five miles. About twelve miles from the water in these last mountains, the road strikes the river, at a distance of about one hundred and twenty miles from El Paso. After following the river for about seven miles, the road passes through the mountains, which here jut into the river, by the valley of a dry creek, returning to the river by another creek bed, having running water in it. The distance between these points of the river is about thirty miles. Touching the river on coming through this pass, it is necessary to leave it again immediately, passing behind another mountain, striking the river at a distance of thirty-two or thirty-three miles, the creeks followed having no water in them. From this point of the Rio Grande the mountains and table land set back from the river, the valley becomes broader, the quality of the soil better, and the quantity of timber greater. From the ford on the Pecos to the creek in the mountains, there is but very little labor required, and that consists in the grading of a few arroyos, and the cutting of some chaparral in the valley of the Pecos. From the running water in this creek, so far as it may be

followed, more labor will be required, though not sufficient to detain the troops, if the fatigue party could gain a couple of days on them between the Ojo Escondido and the mountains. The next labor is in the valley of the creek leading to the Rio Grande; and the other two passes also require labor, but yet cannot be considered as difficult, the main obstacles being in some places the chaparral, and in others loose stones and rocks, and two or three arroyos and side hills in each requiring grading and excavation. From the outlet of the last pass to El Paso, the grading of small arroyos, and the clearing of some timber and chaparral, will require but a small fatigue party to keep the troops in motion. The great want of water by the San Saba route caused us, in coming back, to seek a practicable road by the San Pedro river, striking the "Wool road" in the vicinity of the head of the Leona. The route found and suggested crosses the Puerco at the same point as the other, and follows down its left bank for the distance of about twenty miles, then, leaving by one of its branch valleys, passes over the table land in a southeasterly direction, striking the head-spring of the San Pedro at a distance not exceeding thirty-five miles. The valley of this river may be followed for six or seven miles; and then, leaving the river by its right bank, the road passes along the table land to a point where the river turns to the east. Touching here for water, the table land is again followed to a small creek, distant twelve miles from the bend in the San Pedro. From this creek a southeasterly direction strikes the San Pedro a short distance above its mouth, and, crossing it by an Indian pass, the road crosses the San Felipe, the Pedro, and Toquite, running in a direction south of east to the head of the Las Moras, the distance from the crossing of the San Pedro to the latter point being about fifty miles. From the Las Moras to the head of the Leona the direction is nearly east, and the distance about forty-five miles, the route touching the heads of Elm and — creeks, and crossing the Nueces. From the head of the Leona the road may strike the "Wool road" at the nearest point, or at a saving of distance, and having, in all probability, an equally fine country, intersect it at the Rio Frio, and thence to San Antonio de Bexar. The great difficulty on this lower route, which has heretofore been reported as impracticable, is found in the country between the San Pedro and Puerco rivers. At the point of departure from the latter, the high table lands—a solid mass of limestone—close in, leaving but a narrow valley, and the cañons or ravines leading out are mostly narrow and rocky. The table land once reached, the next difficulty is on the San Pedro, whose valley is narrower than that of the Puerco, while the table hills are of the same character as the others. In some places fine broad cañons, having gentle slopes, lead down to the river; and it is confidently hoped that a further examination will discover others at suitable points for the road. The cañon leading out towards the Puerco from the head-spring of the San Pedro, and those at the crossing of this latter river, are not difficult; but as much cannot be said of the intermediate ones, or the one by which we left the Puerco. Taking them, however, at their most, a strong fatigue party, with all the implements necessary to the making of a road over such ground, could, in three weeks, at most, render this portion of the route practicable; and it would seem that the saving of distance, and the comparatively great abundance of water, would give this route great advantages over that by the San Saba, were these difficulties three times as great. From the left

bank of the San Pedro to the intersection with the Weol road, the country is almost entirely the rolling mezquite prairie, and the only obstacles the crossings of one or two creeks, which are somewhat boggy. A scarcity of timber exists on the table land between the San Pedro and Puerco rivers, and from a short distance above the ford on the latter to the pass in the Sierra Diablo, while here even the supply is not abundant. From this point to the Rio Grande there is least of all; but in the valley of this river there is no lack. The estimated distance from San Antonio to El Paso del Norte, by the lower route, is six hundred and forty-five miles.

The approximate latitudes of places were determined by me to be:

Of El Paso del Norte.

Of the bend of the Rio Grande between the two passes.

Of point of departure from Rio Grande.

Of the Ahuache spring.

Of camp near Conley's wagon-road on Pecos.

Of camp near Indian Ford.

Of point of departure from Pecos.

Of camp near head-spring of San Pedro.

Of camp on creek between San Pedro and Pecos.

Before closing this report, I must bear testimony to the invaluable services of our able guide and friend, Mr. Howard. To his accurate knowledge of the portions of the route previously passed over by him, his correct judgment with reference to country with which he was unacquainted, and his advice and address in Indian difficulties, the success of the expedition is mainly indebted.

Respectfully submitted.

WM. F. SMITH,

Brevet 2d Lieut. Topographical Engineers.

Brevet Lieut. Col. J. E. JOHNSTON,

Corps Topographical Engineers.

SAN ANTONIO, TEXAS, July 31, 1849.

SIR: In compliance with orders received from the commanding general of the 8th department to make a reconnaissance of the country between Corpus Christi and the military post on the Leona, with reference to the practicability of opening a road connecting those two places, I would respectfully submit, through you, the following report and accompanying map for his consideration:

The main points which require to be attended to in the selection of a road through this country are, not only that the route should be as direct as possible, but at all times practicable, and that at convenient distances permanent supplies of water should be obtained. As that section of country the special examination of which was designed consists almost entirely of high rolling prairies, the ascents and descents but slight, and seldom offering any obstacle to prevent the passage of a train of wagons, the first condition can, therefore, be easily fulfilled; and the last govern us more particularly in a choice.

From an examination of the surveys of the country, a northwest course was concluded upon—which direction, with the exception of some few deviations in subsequent parts of this report, was very generally followed.

On leaving Corpus Christi, I travelled for twenty-two miles the route from that place to San Patricio, a small village on the Nueces. This road is on the west bank of the last river, heading its principal bends: it runs over a high rolling prairie, with the exception of one or two sand flats, each two or three miles in length.

The prairie is covered with fine mezquite grass, and interspersed with mezquite trees and live-oak moats.

Limestone formation extends throughout this section of the country. Water was sufficient for all travelling purposes, but not for agricultural, the banks of the river being too high to favor irrigation. At the "Twelve-mile Mot" the road first touches the Nueces. The river water is fresh and palatable for the first time at this point—about six miles from its mouth, and twelve from the entrance to the Nueces bay. Previously we passed three very large salt ponds or lakes, but so slightly brackish that the animals drank freely from them. At Baranca Blanca, six miles further on, we again strike the Nueces, at which place water can be obtained. At the distance of six miles from this place is a large pond of fresh and permanent water, very near and to the right of the road. A large flat, covered with sedge grass, commences here, and extends to the river. At the lake we left the main road to the right, and a west-northwest course strikes a second large lake of fresh water near an old settlement, now destroyed, called Le Partie Land—distance, six miles. In dry weather this flat offers no objection to a good road; and in wet weather a good one can be made along a ridge bordering it, lengthening the distance but by a few miles. The bottom consists of a heavy black earth, but not of a "hog-wallow" nature. At Le Partie Land, the road again rises upon a high rolling prairie, over which it is continued until it intersects the Nueces. At two miles from the last water it passes within two or three hundred yards of the river, and a convenient gully enables you to reach the water's edge. Still pursuing the same course, in eight miles we next arrived at Casa Blanca, or White House, the ruins of which alone mark the spot of this once flourishing rancho. It is situated on a slight eminence, at the base of which there is a creek, named Carresse; it is a running stream, but consists of large holes of good water, permanent and fresh, abounding in fine trout and other fish. The house is about a mile and a half from the river. The country around is beautiful, and admirably adapted for grazing. Occasionally, upon a near approach to the Nueces, you meet with some heavy sand hills, but which can generally be avoided by taking a slightly circuitous route; but generally a hard-beaten road can be obtained. The wood is still the mezquite and live oak.

Between Casa Blanca and Nueces several fine streams were crossed; from Casa Blanca to La Gorta, six miles; from La Gorta to Radamenia, two miles; from Radamenia to Spring creek, thirteen miles; from Spring creek to Nueces, fourteen miles. At the point where we struck the Nueces, a splendid rocky ford was found. As we approached the river, the prairie made a gradual descent to its bank, the edge of which was about twenty feet above low-water mark. The bank was of an almost pure limestone, easily worked; the descent to the water's edge not precipitous, having been able to lead our horses down it with ease. There was no river bottom land to pass through—perfectly clear prairie, free from all timber, bordering immediately upon the river at this point. Above and below, at a short distance from the ford, the timber in the bottom was

heavy and thick, consisting of the elm, cottonwood, oak, &c., and covered with a dense growth of weeds. The bed of the ford was of solid limestone, and of sufficient breadth for several wagons abreast.

The width of the river was about forty yards—its depth, at the time of low water, not more than two or three feet; for, notwithstanding there was a considerable rise in the river at the time I crossed it, still the horses were not compelled to swim more than three or four yards of its entire width. The current was not swift, and in consequence would afford no obstacle to fording it with safety. On the eastern shore the bank was but five or six feet above low-water mark, and forming a solid footing.

On this side there was but a narrow strip of heavy timber and bottom land, about twenty yards in width, and then you rise to a mezquite flat. A better and more convenient ford in every respect could not be found; for miles up and down the river, no point could be selected possessing these advantages.

Here we saw huts and other signs of Indian encampments, showing that the experience of those acquainted with almost every foot of ground in the country had led them to make the same choice.

The water of the Nueces here presents a muddy appearance, contrasting greatly with the clearness of its water at the crossing of the Wool road. It is pleasant to drink, notwithstanding the earthy matter it holds in solution. On leaving this river, we followed a north-northwest course, to strike the Frio at its nearest point, to enable us to examine the nature of it; in eight miles from the Nueces we reached it. It will be seen from the map that, in order to accomplish this examination, our course was constantly changed until we crossed the Laredo road, occasioned by following to an extent the principal bends of the river.

The mezquite flat through which we passed on first leaving the Nueces proved to be about a mile in width, when we came to a beautiful valley, perfectly clear, and covered with fine nutritious mezquite grass. Continued along this valley to the dividing ridge of high land between the two rivers which headed it. The banks of the former river, at the point at which we approached it, were vertical, about forty feet high, but free, for a short distance, from timber. Already, two large water-holes and a creek of good water had been passed in the last eight miles, continuing along the ridge which remained in sight of the Frio, heading its principal bends, and never more than three or four miles from it. This ridge was a perfect dead-level prairie, covered with excellent grass and mezquite trees. At intervals the ridge would pass within fifty or a hundred yards of the river, and at such points the water could be easily reached, being generally free from bottom timber. At four miles from first point, touched the Frio a second time; at ten from the latter place, a third time; and at each place could water the horses with ease. Between the last two points found two creeks of excellent water, the water standing in holes. Upon examining the bottom land of the Frio, we found it difficult to penetrate, very heavy timber being generally found close to the river, of the same description as on the Nueces; then, from one to two miles, a thick undergrowth of chaparral, together with mezquite and cactus of every description. On leaving third point, found it difficult to proceed near the river; besides bottom land, found deep ravines and gullies, and large hews, impossible to pass in their present state. For the first time we encountered ranges of hills, setting into the river in a direction perpen-

dicular to its course. The distance between them is generally a mile from base to base, extending but a short distance back into the country, and then gradually merging into the high prairies between the rivers. They approach to within a mile of the river, and then abruptly break off in the form of a pair of steps, and are covered with loose stone, and almost impassable chaparral. Upon examination, we found our hitherto circuitous route, since leaving the Nueces, could be easily avoided by pursuing a due west course from the ford, upon the high ridge already spoken of, until within two miles of the Laredo road, and then again resuming a northwestern course. Distance from third point to a fine creek, three miles from the road, twelve miles. In addition to this creek, we had already passed four others, at very nearly equal distances from each other—one a running stream, but the rest consisting of large water-holes.

The examination of the Frio caused the principal deviation in our course: in consequence, I decided upon avoiding the crossing of that river, notwithstanding a more direct course between the two limits of the road would have required its passage twice.

This stream is, at certain seasons, subject to tremendous freshets. Its banks, within miles of the first point at which the road should cross it, are almost vertical, and between forty and fifty feet in height; its bed of a boggy nature, and consequently unfit for a ford. At the second point, you meet with three or four large hews before reaching the natural bed of the river, and it would require great labor to make a passable ford. By keeping on the west bank of this river, you can avoid all these obstacles—thus leaving the Neuces, over which the road is compelled to cross, the only river on the route subject to freshets. As a general thing, I may here remark concerning the land both on the Frio and Leona, from these rivers back, that it may be divided into four parallel strips—the first, next to the river, consisting of heavy timber, and a heavy black soil; the second, a mezquite flat, of small width, and the soil of a lighter nature, and very fertile; the third, a range of low hills, covered with loose stone, and thick chaparral; the fourth, a wide open prairie, the soil generally very dry, but covered with excellent grass, the latter article being generally very scarce close to the rivers: and again you sometimes find a second line of chaparral hills beyond the prairie land. Each of these strips is distinct, and parallel to the general course of the river.

Our course after leaving the last mentioned creek was north-north-west, intersecting the Laredo road about three miles from its ford on the Frio. Travelling on, we passed over, or rather continued on, the same level prairie, and at thirteen miles from the Laredo road again touched the river.

About four miles from the same road, passed an excellent stream of water—course from fourth point of Frio northwest; but soon, on attempting to follow it, we found ourselves in a dense chaparral. After riding an hour and finding no prospect of its becoming better, we struck due west, and in two miles again reached a fine rolling prairie, which extended as far as the eye could reach; and we were then able to pursue without difficulty our former course.

Soon we struck on an Indian trail, and for many miles we followed it, as its direction was the same. It led us to the crossing of many creeks, where we found a large supply of water—one at six, and another at twelve miles from where we last touched the Frio, and others at intermediate

distances. At the last creek, we left the trail, as it apparently seemed to turn towards the Nueces. Continuing on eight miles further, we crossed a large creek, emptying into the Frio. On its banks seemed to have been at one time a regular camping-place for Indians, as we there found many deserted stone buildings, evidently built by Indians for a permanent camping-ground. From this creek our course was still the same, and still over a high rolling prairie, from one to four miles from the river. When within sight of the junction of the Frio and Leona, and about five miles from the mouth of the latter stream, we again touched the Frio for water, having gone a distance of ten miles without meeting with any. The nature of the bottom land here the same. Resuming again our old trail, we continued on for several miles, and then met a hard-beaten Indian trail, which guided us to an excellent gravel ford, about the point we wished to cross the Leona, fourteen miles from the upper Presidio road. Within a mile of reaching the ford, there was a dense chaparral, but, owing to the trail, we were easily enabled to reach it. The Leona is a beautiful stream of excellent water—limestone. The banks are nearly upon a level with its surface. It possesses a hard gravel bottom—its width about thirty, and its depth not more three feet, and flowing with a gentle current. It is said never to rise above its present level—the stream not being of sufficient length to be affected by heavy rains. The land immediately along the river is rich, and covered with heavy timber. A few hundred yards below the ford are fine falls, and the river not more than twelve feet in width. Immediately upon leaving the ford, you find yourself in a beautiful mezquite flat—also a favorite camping-place of the Indians. We still followed the trail, which led us through the finest portion of the valley between the Leona and Frio. This valley, for the first ten miles, is about a mile wide, and bounded by low chaparral hills—those on the east side of the Leona commencing a short distance above the ford, and continuing, except at some few intervals, the whole length of the Leona to its head; and it is difficult to make your way through them.

Within four miles of the upper Presidio road the valley widens, and is sixteen miles in width along that road.

Gradually becoming more elevated, it spreads out into a high flat prairie, and extends on unbroken until it rises into the range of hills which stretch across from the Frio miles above the head-springs of the Leona. Along the Wool road the prairie is but about eight miles in width.

A good dry-weather road can be obtained over it, but, like all prairie roads, would become heavy in very wet weather. Two miles below the upper Presidio road, found a large water-hole, and also one above it, at the distance of five or six miles. Between this last creek and the Wool road no other permanent water can be found, although, at convenient points, the river could be approached, and roads cut into it, to supply every demand. The distance between the upper Presidio and Wool roads is about thirty miles. Owing to the greater quantity and greater density of the chaparral along the Leona, a great deal of labor can be avoided by keeping nearer to the Frio than to the Leona. Our course intersected the Wool road about four miles from the post—a branch from this road

leading to the post situated above it. For the sake of reference, the following list of distances between water is subjoined:

From Corpus Christi to Twelve-mile Mot	-	-	-	-	-	12
Baranca Blanca	-	-	-	-	-	6
Lake	-	-	-	-	-	6
Le Partie Land	-	-	-	-	-	6
Casa Blanca, or Carresse	-	-	-	-	-	8
La Gorta (creek)	-	-	-	-	-	6
Radamenia (creek)	-	-	-	-	-	2
Spring creek	-	-	-	-	-	13
Ford on Nueces	-	-	-	-	-	14
1st point on Frio	-	-	-	-	-	8
2d point on Frio	-	-	-	-	-	4
3d point on Frio	-	-	-	-	-	10
Creek	-	-	-	-	-	12
Laredo road	-	-	-	-	-	3
4th point on Frio	-	-	-	-	-	13
Creek	-	-	-	-	-	6
Creek	-	-	-	-	-	6
Indian Camp creek	-	-	-	-	-	8
5th point on Frio	-	-	-	-	-	10
Ford on Leona	-	-	-	-	-	16
Upper Presidio road	-	-	-	-	-	14
Wool road	-	-	-	-	-	30
Post on Leona	-	-	-	-	-	4

From Corpus Christi to the military post on the Leona, two hundred and seventeen miles, by the route travelled during this reconnaissance. From the examination, we found that in several places the course travelled was somewhat longer than the length of the road would necessarily be, in consequence of leaving it to further our knowledge of the country; but twenty miles would easily cover such deviations. The only labor necessary to complete the road consists in freeing it from timber; and all of the latter placed together would not cover a distance of six miles to be cleared.

In conclusion, I may remark that the country passed over offers every facility for opening a good road; and, with comparatively little labor, communication can be had between the two places by any mode of conveyance. With the exception of a few settlements near Corpus Christi and San Patricio, you meet with none for the whole distance, and, in consequence, can obtain nothing along the road beyond the wild productions of nature.

There was an abundance of game—wild cattle and deer in numbers. Most of the creeks and rivers abounded in fish of different varieties—the trout in greatest abundance.

Whilst at Corpus Christi, I visited St. Joseph's island, and attempted the sounding of Aransas pass. Owing to the heavy swells from the gulf, was not able to accomplish the purpose with satisfaction; but from this, and a previous attempt in January last, the depth of water to be relied upon in passing over this bar may be set down at ten feet. Lamar, on Aransas bay, is the only point to which a vessel able to cross this bar can approach and be close to the shore. At this place a shell reef runs out from shore; and at its extremity nine feet water can be obtained, so that

a plank may be thrown from the ship to the reef. Aransas pass is evidently improving and becoming deeper—a greater body of water being thrown through it in consequence of several other passes connecting this bay and gulf becoming gradually closed.

Respectfully, sir, your obedient servant,

N. MICHLER, Jr.,
Brevet 2d Lieut. Top. Engineers.

Major GEO. DEAS,
Assistant Adjutant General 8th Military Department.

CAMP AT LAS CRUCITAS, ON RIO GRANDE,
October 3, 1849.

SIR: I have the honor to report that, in obedience to your orders, I proceeded, September 21, from the camp opposite El Paso, with the escort designated, to make a reconnaissance of the Sacramento mountains, and ascertain if there existed a pass through them practicable for wagons. Leaving camp at 2 p. m., and taking the Salt Lake road, the day following I reached the Arroyo Solidad, the first water from the Rio Grande—estimated distance thirty-eight miles, and general direction north 4° east. This creek rises in the Sierra Solidad, its head-spring being about one mile distant from my camp, and was represented by the guides as being generally dry, except at the spring. The next water on the road (which I still followed) was that of the Ojo de San Nicolas, distant twenty-one and a half miles, in a direction slightly east of north. From this point, leaving the wagon road, I followed a large Indian trail to the Cañon del Perro, the nearest point of the Sierra Sacramento—distance thirty-two miles; course north $69^{\circ} 45'$ east. This cañon furnishes a fine supply of water, but is so narrow and rough that the Indian trail, in place of following it, leads directly over the mountain. Passing along parallel to the base of the mountain, as near as the rocky spurs would admit, I crossed a small running creek, distant ten miles from the Cañon del Perro, and reached the creek "El Agua de Nuestra Señora de la Luz," nine miles beyond. The general direction from Cañon del Perro was north $10^{\circ} 10'$ west. The cañon from which this creek flowed was but little wider than the first one mentioned, and, at the distance of one and a half miles from its mouth, branched into two narrow ravines. From this creek I followed the base of the mountain for six miles, in a direction north 15° west, and arrived at the entrance to what was said by the guides to be a pass through the mountains. A ride of two and a quarter miles, in a direction about north 73° east, brought me into the narrow, rocky valley of a salt creek. Finding that there was no pass here, I made my way out of the hills by travelling down the bed of the creek for about two miles, and then taking an Indian trail leading off to the northeast, across several spurs and intermediate valleys; at the distance of five miles, entered the valley of La Cienegu—a marshy creek flowing between the Sierra Sacramento and Blanca. The width of this valley was about five miles; but the great number of small spurs putting out on either side from the mountains to the banks of the creek would cause a considerable amount of labor to be laid out on them before being practicable for wagons. About seven and a half miles above the point of entrance into the valley, the creek forked—one branch coming in from the southeast, and the other from the

north of east. I first examined the left branch; but the difficulties encountered in a distance of three miles, and the appearance of the valley ahead, where it became narrow and rugged, caused me to retrace my steps, and attempt the valley of the other branch. Crossing the left branch with great difficulty, I found, after a mile's travel in the second valley, that it possessed no advantages over the first, and started for the Rio Grande. The portion of the Sierra Sacramento to the south of the Cañon del Perro I did not examine, for the reason that the guides informed me that there was neither water nor a country practicable for wagons. On my return, after arriving at the Salt creek, I left the trail made in going up, passed below the running water of "El Agua de Nuestra Señora de la Luz," and struck for the southern point of an extensive range of white sand hills, situated in the middle of the immense valley lying between the Sierra Sacramento and the mountains near the Rio Grande. This course (south $39^{\circ} 30'$ west) led by a brackish spring, and about one mile and a half to the right of Salt lake. From the sand hills to the Ojo de Ste. Nicolas, the course was south $53^{\circ} 30'$ west, and distance sixteen and three-quarter miles. Agreeably to orders, on leaving the Arroyo Solidad, I entered the valley of the Rio Grande by the "Paso de los Alamitos," a broad elevated valley connecting the Salt Lake and Rio Grande valleys, and presenting no obstacle to the passage of wagons between the two. The distance from the Arroyo Solidad to the point of the Rio Grande about thirty miles above the rancho opposite El Paso, is about twenty-one miles, and the direction south 30° west.

I am, sir, very respectfully, your obedient servant,

W. F. SMITH,

Lieutenant Topographical Engineers.

Captain J. E. JOHNSTON,

Top. Engineers, Brevet Colonel U. S. A.

SAN ANTONIO, *December 1, 1849.*

COLONEL : I have the honor to report that, in obedience to orders from headquarters, 8th military department, of June 9, 1849, I left this city, with a party of thirty men, for El Paso del Norte, *via* Fredericksburg.

June 14, 1849, first day.—Made fourteen miles to a water-hole, where we bivouacked for the night. Country from San Antonio to this place is a rolling prairie, having abundance of mezquite grass, which affords excellent pasturage for horses and other stock; road, in many places, lies over limestone rock, which makes it rough and injurious to wagons. Country somewhat hilly, and covered with clumps of live-oak and other timber.

June 15, second day.—Country of the same character as yesterday, except that the hills are higher and more frequent. The road, too, is more rocky and uneven; hills on the left lie quite close to the road. Leaving Misenbergs, the road is still rocky and uneven; on the left hand is a deep ravine with bluff banks. After passing the Cibolo, four miles from Misenbergs, the road becomes very good, being smooth and level. The Cibolo, where the road crosses it, is a dry ravine. About two miles above there is plenty of pure water. Stretches of prairie, with groves of live oak, occur at intervals. Reach Post Oak springs at $11\frac{1}{2}$ a. m., and encamp. The springs are to the right of the road, and in the flats.

June 16, third day.—Left camp at 8 o'clock this morning, and marched

about two miles from Post Oak springs; passed between two ranges of hills forming quite a gorge. Country around is beautiful, consisting alternately of rolling prairie and flats, which latter are at times boggy, and difficult for loaded wagons. Next stream is Spring creek, the water of which is beautifully pure and clear, flowing over a pebbly bed. Limestone occurs on its banks; timber of large size is also found in the immediate vicinity. Country from this creek to the Sabinal is a rolling prairie, with many clumps of trees. The road at Sabinal becomes very difficult, the sides of the ravine through which the creek flows being very steep and stony. At three miles from Sabinal, we passed Wasp creek, through the same kind of country, except that the hills are higher. Many flats occur in the intervals, covered with a luxuriant growth of mezquite grass and wild rye. The crossing at Wasp creek was very difficult, the wagons all stalling, and obliging us to double teams. Country continues the same to Guadalupe river, a distance of four miles. Passed the Guadalupe and marched half mile further to Sisters creek, where we encamped at 3 o'clock.

June 17, fourth day.—From Guadalupe river to Fredericksburg, the country continues of the same character, being an alternation of prairie and post-oak woods. The grazing, either on the prairie or in the woods, is excellent, and very abundant. Sisters creek crosses the road several times within seven miles from Guadalupe river. At ten miles from camp, we entered a beautiful valley, the ascent from which was quite steep. There is a trail leading to the right across the mountains, which shortens the distance to Fredericksburg considerably, but is entirely impracticable for wagons or any wheeled vehicle. Grape creek crosses the road twice within half a mile, at the distance of thirteen miles from our camp of last night. Country is well wooded, and grazing abundant. The Peiderhalls next occurs, at seven miles from Grape creek, and five from Fredericksburg. There is a small stream of water midway between these two. Arrived at Fredericksburg at 3 p. m.

June 21, eighth day.—We were obliged to remain at Fredericksburg three days, in order to repair our wagons, which were somewhat out of order. These repairs completed, we left on Thursday, and marched eight miles to our encampment on Banon's creek. The course on leaving town was north 25° west; it afterwards changed to 10° west. The road is very good, being the one travelled to the German settlements on the Llano. The country is beautiful, well wooded and watered.

June 22, ninth day.—Marched about nine miles to Pecan spring, which touches the road on the left. The country continues of the same character, with plenty of wood and water. Leaving Pecan spring, we entered a deep valley, through which the road wound. The descent was abrupt, but easily passed. Granite begins to appear at this place, along with pieces of quartz. Passed several places where there appear to have been large bodies of water during the rainy season. The beds of such ponds are of sandstone, in large masses. Road near camp lies over a reddish sand. Encamped in a post-oak grove at 11 a. m. Course to-day, north 10° west.

June 23, tenth day.—Marched about four miles this morning to the place where the emigrant trail leaves the road to the settlements on the Llano. In this distance there were two places unfavorable to the passage of wagons, but not sufficient to cause much difficulty. Water appears,

but it is not permanent. The emigrants' road to the west is plainly discernible over the prairie. The country through which it passes is varied—sometimes open prairie, the post-oak country, and the hilly. We passed several places where water was standing in quite large pools, but it is not permanent. The soil over which we passed was light and sandy, and in several places of a red color. Granite occurs in several places, in large masses. Arrived at the Llano about one o'clock, and found the river so high as to be impassable for the present. Encamped about twelve miles above the German settlements.

June 24, eleventh day.—Started this morning at nine o'clock, and forded the river without difficulty, it having fallen during the night and morning about two feet. The banks on each side are rough, rocky, and precipitous, and difficult of ascent and descent. After leaving the Llano, the road is very good to Comanche creek, which is easily crossed. This creek affords good water, and it is a permanent running stream. From Comanche creek, the road lies over the same kind of country—rolling prairie and hills—to the head of Honey creek, where we camped at 4 o'clock.

June 25, twelfth day.—Left camp this morning at 8½ o'clock. The road here was between two ranges of hills. Those on the left (west) are extremely rocky and precipitous. Road continues level and good for about three miles, when it runs through a gap between two hills, from the top of which the Lammieding country can be seen for a great distance. It afterwards passed for nine miles over an alternation of hills and prairie, till we left it. After leaving the road, we marched north 20° west three miles to the San Saba. The country for these three miles was hilly, and covered with large slabs of limestone. The banks on the south side of the San Saba slope gradually to the water, which is about eighteen inches deep, flowing over large slabs of limestone rock. On the north side the banks were steep, and of soft earth, rendering the passage difficult. We were obliged to cut away the bank in order to pass.

June 26, thirteenth day.—Detained in camp to a late hour to-day by violent rain. At eleven we started, and marched about five miles to the head of Camp creek, where we halted for the day. Next water is Brady's creek, fifteen miles further on; no reliable water in the interval. We have now left the road, and follow the Indian trails whenever the direction coincides with our own. Ground over which we pass is very rough, and similar to that on the otherside of the river. Several places on the road appear to have had water in them; there was a little when we passed. The beds of these places were of rotten limestone, which was very abundant on the hills. Water of Camp creek is good and abundant.

June 27, fourteenth day.—Country to-day was a high and beautiful prairie, easily travelled over, so that a road could be had in any direction. The wood was mezquite, affording fuel merely; grazing good. Many dog towns appear, with their inhabitants—prairie dogs and rattlesnakes. Arrived in camp at 4 o'clock, on Brady's creek.

June 28, fifteenth day.—Left south fork of Brady's creek this morning at 6 o'clock, and marched through a beautiful country to the head-waters. The road from the San Saba to the head of the creek is through a prairie covered with scattered mezquite and mezquite grass. There is abundance of wood for culinary purposes, and the grass abundant and good for grazing. The water in Brady's creek, at the head, and in the south

branch, is in large pools, extending sometimes to the length of a mile or more, and having a depth of six or eight feet. The country is level, of great elevation, and can be travelled over with wagons in any direction. The waters of the creek furnish large quantities of catfish.

June 29, sixteenth day.—Started this morning at 6 o'clock, taking a trail leading to the west. After marching about eight miles, we arrived at the head-springs of the creek. Our course was then west for thirteen miles, when we struck Kickapoo creek at 3 o'clock. The country between Brady's creek and Kickapoo is most admirably adapted for a natural road; not a single place where ten minutes' work is needed. Our whole route was over an open, level mezquite prairie, requiring nothing but travelling to make a road in any direction. The timber is mezquite—only enough for cooking. The grazing was excellent. We passed one or two small runs of water—not permanent. Dog towns and rattlesnakes abounded most of the way. The Kickapoo is a large stream of good, clear water, opening out occasionally into large pools, from which we obtained catfish and trout in abundance. The grazing was excellent and abundant. The timber on the banks was of large size, consisting of live oak and pecan.

June 30, seventeenth day.—Left camp this morning at 6½ o'clock, and crossed the Kickapoo without any difficulty, beyond cutting out the brush. Country becomes hilly, stony, and barren, being a succession of gentle elevations and depressions, covered with broken pieces of limestone. We had hills to the south quite near us. Those to the north of the Concho were also visible. In several places the grazing seemed very good; but there was an almost total absence of anything like timber. We passed Potato spring at two and a-half miles from Kickapoo. Reached Lipan creek at 12 o'clock, and made our camp. The water here is running, and, like the Salado, near San Antonio, opens out into large pools. It is of good flavor and pure. Timber of pecan and live oak, and very heavy. Struck Lipan creek to the right of the trail, which we followed, and which we suppose to be Torrey's.

July 1, eighteenth day.—Left Lipan creek at 6 o'clock, crossed it without difficulty, and came to Antelope creek. Still following the trail, we went through "Pass-in mountains." The country is high, rolling, and stony, except in valleys, where there is excellent mezquite grass. A road can be easily made here by removing the loose stones from before the wagons—no other labor being necessary, except clearing away weeds and bushes whenever a stream is to be passed. Spades to cut away the banks have not been used since we crossed the San Saba. Timber on the banks of this creek is pretty large; grazing is good. Course to-day, north 10° west, and west.

The road yesterday and to-day should probably bend more to the northwest, in order to get further into the valleys, and avoid the stony ground over which we have passed. Both yesterday and to-day, the waters on which we encamped furnished very large fish—catfish, trout, and perch. Rattlesnakes and prairie dogs continue in abundance. After leaving Kickapoo creek, marched about three miles southwest towards its head; then struck northwest. The road before reaching Kickapoo is over prairie, with scarcely any stones.

July 2, nineteenth day.—Left camp this morning at 5½ o'clock. Country continues the same as yesterday—an alternation of gentle elevations.

and depressions, caused by spurs from the mountains on the south of the Concho. There is an almost total absence of timber; now and then there is a solitary live oak, and to the right may be seen some scattering mezquite. To-day and yesterday, our course bore for the Green mounds, which have been in sight, north 5° west. At five miles from camp, came to the South Concho—quite a large stream, with a gentle current. Crossed here easily, after clearing the brush from the banks. Still continuing west for eight miles, we crossed Dove creek. Crossing effected without any difficulty, after cutting out the brush from its banks. Both of these streams have heavy timber immediately on their banks, but no further. The water of both is good and runs gently, in a northern direction. Grazing is only tolerable, the grass being old and dry. Pecan timber of large size is found.

July 3, twentieth day.—Left our camp on Dove creek this morning at 6 o'clock, and rode about three miles to a small branch, which crosses the trail. This was Good Spring creek; the water was pure and very cold. Our course now is due west, occasionally diverging from it to avoid a spur of the hills, or to head an arroyo. The line forming the Pass-in mountains and Green mounds is due east and west. From the half-way point between Dove creek and Lipan Camp creek, the twin mountains bear north 45° east. Pass-in mountains bear west from Brady's creek (ahead.) These two are landmarks scarcely mistakeable. Arrived to-day at the main Concho about 3 o'clock. The country at Green mounds rocky and broken, but did not offer much difficulty to the passage of wagons. After passing Green mounds, the country becomes rolling prairie. The grass all along our route to-day and yesterday appeared dry and burnt up, offering but little sustenance to our animals. We fell in, on the banks of the Concho, with the emigrant road to California, which we expected to find at the Green mounds. It lies to the south of Green mounds.

July 4, twenty-first day.—Marched three miles to-day, merely to change camp and find good grazing for the mules.

July 5, twenty-second day.—Started this morning at 7 o'clock, and got into camp on the banks of the Concho at 1 o'clock. Crossed the river at nine miles from camp of this morning. It runs here in a northeast direction. One mile further, crossed the north fork of the Concho. At four, six, and fourteen miles from camp, we crossed deep arroyos, running north into the Concho; these, however, presented no difficulty.

At the Green mounds this road was visible to us; but as it was to the south of us, we continued on the trail we were following until we arrived on the Concho, where the wagon-road is deeply marked on the prairie. The river is reached at seven miles from Green mounds, but the road follows the southern and eastern bank for twelve miles before crossing. For the last two days wood has been very scarce; grazing only tolerable, grass being parched and dry. The water of the Concho is good, affording catfish, trout, &c.

July 6, twenty-third day.—Road to-day continues hard and excellent, having hills on both sides. Here rocks appear statified, as also at Kickapoo creek, strata varying from six to eighteen inches in thickness; rocks are limestone. To-day, came to the head of the river; it rises in a valley between two ranges of hills, in low, swampy ground, appearing in pools, covered with leaves like those of lotus plants. Grazing here is pretty good; some timber to be had at a distance from the water.

July 7, twenty-fourth day.—Left head of Concho this morning at 7 o'clock, and travelled twenty miles over a hard, smooth, and level road to this place, where there are two water-holes of large size. Country over which the road lies is situated between two ranges of hills of small elevation, and is extremely destitute of wood. For the first nine miles there was plenty of water standing in holes, but not permanent; after that there was none until we came to camp. The country is extremely dry; grazing very indifferent.

July 8, twenty-fifth day.—Came to-day twenty-two miles to the Wild China ponds, which were entirely dry. Hills and mountains appear on our left and in front; country around us rolling prairie; no water to-day, and obliged to camp without it. Five miles from our camp of yesterday morning, Connelly's trail leaves the road, bearing to the southwest. There is, probably, abundance of water at these water-holes during the rainy seasons; the ground about them is soft, moist, and springy, offering a chance for finding water at no great depth. To-day and yesterday, saw large droves of mustangs. Soil to-day is light and sandy; grazing good, but no wood.

July 9, twenty-sixth day.—Arrived in camp on the Pecos river at 1 o'clock to-day, having left the Wild China ponds at four this morning. At Gap water, in the Caette mountain, thirteen miles from camp, we found a little dirty and brackish water, which sufficed to water our mules, but was unfit for any other purpose. The road runs through a pass in the mountain; this pass is very winding, and goes down very deep into the mountain, the rocks rising to several hundred feet above it. The road through this place was cleared for us by California parties which had preceded us, so that our wagons came through without difficulty. Between Wild China and Caette mountain, high mountains appear to the south and southwest. Leaving Caette mountain, the road passes over an exceedingly barren country, sandy, and producing scarcely anything but prickly pear. This continues to the Pecos, which is not visible until you come directly upon it, its banks not being marked by trees or anything different from the surrounding plains. To the southwest, high mounds and table lands appear. The road bears to the southwest, crossing many large Indian trails, all of which bear southwest.

July 10, twenty-seventh day.—Spent to-day in crossing the Pecos, which was accomplished by making a raft of spare wagon-tongues and hounds, floated by empty water-casks. Everything was thus safely taken over. The Pecos here is a muddy stream, of a dark red color, and, running through the plains, has very much the appearance of a canal. The prairie does not change in appearance in the least as you approach the river, and one is immediately on the river before he is aware of its proximity. The crossing which we used is known as the "Horse-head crossing"—no doubt from the number of horses' heads which lie scattered near. The soil here is very light, like ashes, and a camp soon becomes intolerable—especially in windy weather. Grass here is coarse and hard, and appears to have but little nourishment. There is no wood at all to be had. The banks where we crossed were low, and tolerably firm; but this must be the case only in dry weather. In other places where we approached the water, horses sunk to the girth in the boggy soil, which was of most tenacious clay.

July 11, twenty-eighth day.—Spent to-day on the west bank of the Pecos, in order to give men and animals some time to recruit. Soil on

this side same as on the other, being very light and dry, and moved into clouds of dust by every breath of wind. The grazing is somewhat better than on the eastern bank, but still only tolerable.

July 12, twenty-ninth day.—Left camp this morning at 6 o'clock, and marched about five miles over the same flat and desolate prairie; afterwards the country became covered with thickets and chaparral, and then continuing to alternate between chaparral and prairie, more or less open. The river continues on our right, our course having been west and north-northwest. The current is quite swift, but not as much so as that of the river at San Antonio. The banks continue to be so high that it is necessary to water the animals by means of buckets. When cut away, they become boggy. Our present camp is a mezquite chaparral in a bend of the river. Grazing to-day tolerable.

July 13, thirtieth day.—Country to-day seems as yesterday—the ground, here and there, being covered with saline efflorescence. This appears at every few yards along the road, impregnating the water and the grass. At six miles from camp, we came to the falls of the Pecos, where the water tumbles over several steps of rocks. The total fall is about ten feet. Near our camp to-night there is a pond containing very pure and clear water, but it is also very salt. Wild fowl abound in its vicinity. The river is crossed here by several Indian trails. At this point the depth is about five feet; bottom of gravel, firm and hard. Our fuel to-day is mezquite brush. Grazing pretty good.

July 14, thirty-first day.—Road to-day went through a kind of ravine, the sides being of red sandstone and clay, in thin layers. The soil of the road next becomes sandy, and then full of lime, varying every few miles. At ten miles from camp, the river bends into the road; and in the valley there is very good grazing, and easy access to the water. Two miles from this place, we crossed a very small stream, or rather succession of water-holes, for the water was not running. This we supposed to be Toyat creek, from its situation. The water was very salt. Ground here was broken, and in wet weather must be very boggy. On the left of the road, further on, there is a succession of pools of very salt water. Country here is more rolling, and more covered with brushwood than near the Horse-head crossing.

July 15, thirty-second day.—Started this morning at 6½ o'clock, and came to this camp, twenty-two miles, through a country which, for the first four miles, is somewhat hilly and uneven, and then becomes a level plain, on which there is very good grazing. At twelve miles from camp, came to a pond of extremely salt water, which extended on our right for three miles. At fifteen miles from camp, struck a range of hills of small elevation, running along the road on the left. Country, except for these hills, rolling prairie. Encamped at 3 o'clock in a horse-shoe formed by the river, where there was very good grazing, but no wood.

July 16, thirty-third day.—Left this morning at 6½ o'clock, and marched over a hard, flat road to this camp, a distance of sixteen miles. A great part of this road was of sandy soil, and some of it of clay. On our left the ridge of hills still accompanied us. The Pecos is on the right all the way, and always within about a mile of the road. Our course has been variable, as the road follows the bend of the river, which is extremely crooked, and full of "horse-shoes." The general direction is north 35° west.

July 17, thirty-fourth day.—Came to-day fourteen miles to Saline creek;

where, not finding good and sufficient grazing for our animals, we left the road, and again came to the Pecos, to a place where the grass was tolerable. Banks here were high and steep, so that we were obliged to resort to buckets for watering animals, as everywhere else on this river. Country now becomes hilly, and the road is more sandy. For the first two miles the road was soft and boggy; afterwards, as the country becomes high, road runs alternately over hard, stony ground and sandy soil. Saline creek was entirely dry where we crossed, though the guide states there is plenty of water some miles nearer its head. The ground in the vicinity is covered with efflorescence of salts. Hills appear now on both sides of the river—the road sometimes running over them, and sometimes between them and the river.

July 18, thirty-fifth day.—Left camp this morning at 7½ o'clock, and marched for ten miles over a prairie more or less undulating. Three miles from camp we came to the first of those deep, precipitous ravines which mark the upper parts of this sinuous course. After the first ten miles, the road enters the hills, through which it winds in all directions, the general course being north 60° west. The road to-day is even and hard, and mostly over limestone. In several places the earth had caved in, presenting the appearance of unfinished wells. The hills are bare and stony; no trees on the route. Encamped at 2 o'clock on Delaware creek, sixteen miles from the Pecos. Grazing here is excellent; the water of this creek is clear and beautiful, but slightly impregnated with sulphur.

July 19, thirty-sixth day.—Spent to-day in camp, in order to recruit the animals, which are much fatigued.

July 20, thirty-seventh day.—Encamped again to-day on the banks of Delaware creek, after a march of twenty-three miles. The road leads through the hills, and is very crooked indeed, taking nearly all directions. Our general course is west to the southern point of Guadalupe. There are three high peaks of the Sierra Guadalupe which serve as landmarks for a great distance. The soil of the road is sometimes limestone and sometimes sand. Grazing to-day is very poor indeed, and very little wood to be had. Our camp is a small valley, where there are three fine springs; one is highly impregnated with sulphur, another with salts of soda, while the third is of the best and purest water, suited for the use of man and beast. Grazing at this camp is very good.

July 21, thirty-eighth day.—Our general course continues west, though we are obliged to take all directions around the spurs of the mountains. Yesterday and to-day we saw the first dwarf cedars. Wood is very scarce indeed—scarcely enough to cook with, and even that brought from a distance, and collected with much trouble. The road to-day lies very high, over ridges and spurs of the mountain, but is nevertheless very good. Ten miles from this morning's camp there is a deep ravine, where there is water in holes, but not permanent. Arrived at 1 o'clock at Independence spring, the water of which is very fine, being pure and cold. Here we found the first trees we have seen since we left the Concho. Grazing here is pretty good.

July 22, thirty-ninth day.—Marched to-day six miles to a fine spring of pure cold water, at the foot of Guadalupe, and encamped. The spring is about one-fourth of a mile to the right of the road, in a corner of the mountains. Here we found excellent grass for the animals, good water,

and fine large timber, of pine, cedar, serren, &c. The camp was separated from the road by a rocky ravine, which cost us some trouble to cross. The road to-day is firm and hard, and, as for several days past, lies sometimes high on the ridges, and then again follows the valleys. We are now at the foot of Guadalupe, and the mountains are covered with forests of large timber, and contain many springs of excellent water.

July 23, fortieth day.—Spent this day in camp, in order to recruit the animals.

July 24, forty-first day.—Left camp this morning at 5 o'clock, and cleared the ravine without trouble. About three miles from camp, came to a fine spring, to the right of the road, at the commencement of the descent of the first hill. The descent was very rough, and continued for about two miles down the mountain side. The road continued rocky and rough for seven miles, when it became smother, and finally deep and sandy. At twenty miles we came upon a range of hills of pure white sand, extending some distance on the left of the road. At twenty-four miles, the dry bed of what seems to have been a salt lake appears. It is a perfectly smooth bed of white sand. The ground was covered with efflorescence of salt. At 1 o'clock, arrived at Ojo del Cuerpo, which is a spring of brackish water in the open prairie. The grazing is very poor, and there is no wood. We found a hole, dug under the bushes by some California party, which furnished us tolerable water. The spring of Ojo del Cuerpo is quite strongly impregnated with sulphur. The road to-day has been rougher than any we have had since leaving Fredericksburg. Course to-day north 70° west; distance twenty eight and a half miles.

July 25, forty-second day.—Left camp to-day at 2 o'clock p. m., and marched sixteen miles to a place on the prairie where we camped, without water. The grazing at this camp was excellent, as well as for several miles back. The road is excellent, being smooth and hard and very level. We passed several salt plains, and some lakes of very salt water, about three miles to our left. Some of these plains were dry beds of lakes, and composed of glittering white sand. Reached this place at 6 o'clock in the evening, and encamped. There is no wood to be had here. The distance from Ojo del Cuerpo to Connedos del Alamo is thirty miles—too long a march for one day: so we were forced to make two marches of it.

July 26, forty-third day.—Left this morning at 5½ o'clock, and marched fourteen miles to the tanks of Connedos Alamo, which were reached at 9¼ o'clock. The road was very firm and hard, composed of gravel packed very closely, as was the road yesterday. Rattlesnakes and dog towns again appear in great numbers. Road to-day is rather more hilly than yesterday; mountains appear on all sides; course to this camp from Ojo del Cuerpo is west. The mountain here is nothing more than a mass of gigantic granite rocks, piled upon each other in every imaginable way. Water issues from the rock in several places. Outside of the mountain, several wells have been dug by California parties. These wells were full when we passed. Inside the mountain, in a cavern, there is a fine large well of pure water; this is full to overflowing; the water is very cold and of good flavor. Besides these places, there is a large tank of water on the western side of the mountain. Grazing here is very good, and plenty of wood to be had.

July 27, forty-fourth day.—Marched to-day nine miles to Ojo del Alamo. The road is firm and good, leading through the hills. Wood is very

scarce, and grazing along the road only tolerable. The water here is high up the mountain side, and is found in several tanks or wells, and is quite difficult to get at, on account of the steepness of the mountain. The wagons could not get nearer than four or five hundred yards. Wood is not to be had here at all, scarcely even brush. Saw to-day the Organ mountains, and Robbro and Sierra Colorado; they bear from this camp north 80° west, and west.

July 28, forty-fifth day.—Marched to-day nineteen miles to the Waco mountain. The road was over rolling prairie, having high mountains on the right and left some distance from us. The water here is pure and good, and in great abundance; but it is very difficult of access, as it is in tanks high up the rocky side of the mountain, so that animals cannot get at it, nor can it be brought down to them in buckets. The road to this point is very good; the grazing along the road was also good; but there is no wood at all to be had. This mountain is composed of immense masses of granite, with very little earth to cover the rocks. In its immediate vicinity a few stunted trees may be found. Leaving this place, we passed through the sierra by a road leading mostly over the dry bed of a mountain torrent, now and then crossing ridges. The rocks rose perpendicularly on each side, and were bare and stratified, so as to have the appearance of regular courses and layers. Some of this rock was of blue limestone; others resembled granite. This very rough road lasted for six miles, at the end of which we reached the Waco tanks, and encamped. The tanks are situated in caves of large masses of granite rock. There are several of these tanks containing immense quantities of pure cold water. Grazing at this camp is good, and plenty of fuel is to be had. The tank at which we stopped is on the right of the road. There are others on the western side of the mountains.

July 29, forty-sixth day.—To-day we arrived at the Rio Grande, opposite Isleta, after a march of twenty-two miles. The road for the first two or three miles is rolling, and accompanied by spurs of the mountain. We left the direct road to El Paso about three miles from the Waco tanks, as the guide reported it impossible to obtain subsistence for animals opposite El Paso. The road till within five miles of the river was of the deepest and most fatiguing sand. The country through which we passed was extremely barren; scarcely any vegetation, except a very little brushwood. Near the river, limestone appears; but still there is no more vegetation. On arriving at the river, the scene changes entirely. There is fine grazing in the bottom, and plenty of large cottonwood timber, besides large cornfields, orchards, and vineyards. Encamped on the island, about one mile from the village of Isleta.

In conclusion, I have to remark that the country from Fredericksburg to El Paso del Norte, by the route which I have travelled, presents no obstructions to the easy passage of wagons. Grass and water may be had every day, within marches of twenty-five miles, except from the head of the Concho to the Pecos—a distance of sixty-eight miles, which is entirely without permanent water at present. The character of the country is such, however, as to leave no doubt of the success of attempts to find water by means of wells, sunk at proper intervals. The soil, in many places, is soft and moist, giving promise of water at slight depths. The remainder of the road is sufficiently well watered. In passing through the Guadalupe mountains, we encountered two places which might be much improved

by a working party, and one place in the Waco mountains—though, as they stand, they may be passed without much danger.

After leaving Kickapoo creek, and until arriving at the Concho, it would be well for parties taking this route to keep further to the north than we did, and thus avoid some of the spurs of the mountains lying on the south of Concho river.

The route from Fredericksburg to El Paso might be shorted in several places, so as to lessen the distance at least fifty miles—in one place, from Fredericksburg to the San Saba; one between San Saba and Brady's creek; and another between the Pecos and the Guadalupe mountains. To effect this diminution of distance would require a well to be sunk at each of three places between the spots mentioned.

I have the honor to be, very respectfully, your obedient servant,
FRANCIS T. BRYAN,
Brevet 1st Lieut. Topographical Engineers.

Lieut. Col. J. E. JOHNSTON,
Topographical Engineers.

Account of distances from San Antonio de Bexar to El Paso del Norte.

	Miles.
From San Antonio to 1st camp	14.34
Salado water	3.14
Misenbergs	4.11
2d camp, Post Oak springs	7.50
Spring creek	4.40
Sabinal creek	2.85
Wasp creek	3.12
Guadalupe river	4.60
3d camp, Sisters creek	0.34
4th camp, Grape creek	13.22
Piedernales	7.00
5th camp, Fredericksburg (camp)	5.05
6th camp, Banon creek	8.22
7th camp, Theudgills creek	15.14
8th camp, On Llano river	15.28
Comanche creek	8.65
9th camp, Head of Honey creek	9.54
10th camp, North bank of San Saba	11.11
11th camp, Head of Camp creek	4.85
12th camp, South branch Brady's creek	14.27
13th camp, On Brady's creek	15.18
Head of Brady's creek	7.50
14th camp, Kickapoo creek	13.73
15th camp, Lipan creek	11.60
16th camp, Antelope creek	11.20
South Concho	4.15
17th camp, Dove creek	9.05
Good Spring creek	3.45
Lipan Camp creek	5.31
Green mounds	5.71

18th camp,	Concho, or Blue river	-	7.02
19th camp,	On Concho	-	2.85
	Crossing of Concho	-	8.81
	Dry ravine	-	5.70
20th camp,	On Concho	-	1.51
	Kioway creek	-	2.60
21st camp,	Head-springs of Concho	-	8.22
	Water holes	-	8.80
22d camp,	Flat Rock ponds	-	11.69
23d camp,	Wild China ponds	-	21.85
	Castle mountain	-	12.94
24th camp,	East bank of Pecos	-	13.00
25th camp,	West bank of Pecos	-	0.00
26th camp,	On Pecos	-	19.31
	Falls of Pecos	-	12.98
27th camp,	On Pecos	-	9.96
28th camp,	On Pecos	-	16.25
29th camp,	On Pecos	-	22.08
30th camp,	On Pecos	-	16.02
31st camp,	On Pecos	-	14.42
32d camp,	On Delaware creek	-	16.05
33d camp,	On Delaware creek	-	23.50
34th camp,	Independence spring	-	16.53
35th camp,	Guadalupe spring	-	5.54
36th camp,	Ojo del Cuerpo	-	28.21
37th camp,	On prairie	-	14.85
38th camp,	Tanks of Connados del Alamo	-	13.30
39th camp,	Ojo del Alamo	-	9.14
	Waco mountains	-	19.05
40th camp,	Waco tanks	-	6.42
41st camp,	Rio Grande at Isleta	-	21.54
Total distance from San Antonio de Bexar to 41st camp			<u><u>638.02</u></u>

HEADQUARTERS EIGHTH DEPARTMENT,
San Antonio, June 9, 1849.

SIR: You will proceed to make a reconnaissance of the route hence, *via* Fredericksburg, to El Paso del Norte—the same lately passed over by Major Neighbors, Indian agent.

The object of this reconnaissance being to obtain, with perfect accuracy, the best information in reference to a permanent military road from the Gulf of Mexico to El Paso, you are desired to be particular in your examinations and observations, and will make a detailed report accordingly, in order that a comparison may be drawn between this and the route recently explored by Lieutenants Whiting and Smith, having in view the same object.

After your arrival at El Paso, you will report to Lieut. Col. Johnston, chief of your corps.

I am, very respectfully, your obedient servant,

GEO. DEAS,
Assistant Adjutant General.

Lieutenant BRYAN,
Topographical Engineers.

SAN ANTONIO, *December 28, 1849.*

GENERAL: I have the honor to report that, in the beginning of June last, I was ordered by Brigadier General Harney, then commanding this department, to organize two topographical parties for service between this point and El Paso del Norte—one, to which I was directed to attach myself, “to direct the march of the third infantry to El Paso,” by the route discovered by Lieutenants Whiting and Smith—the other, to examine that just reported by Major Neighbors. Lieutenant Bryan was detailed for the latter duty, and directed to join for it a party of twenty-five or thirty men, mounted and armed. The instructions given by me, to govern him until we should meet on the Rio Grande, were superseded by others issued from department headquarters after I left San Antonio. Lieutenant Smith, the senior subaltern, was attached to the other party, on account of his knowledge of the other route. R. A. Howard, esq., surveyor, myself, and about twenty laborers, required to make a practicable road for our provision wagons, with Captain King’s company first infantry as escort, made up the party. Captain King was directed, in orders received on the way from department headquarters, to escort Captain French’s party from El Paso.

Lieutenant Bryan set out from San Antonio on the 14th June, and reached the Rio Grande, near El Paso, on the 29th July. His route is delineated on the accompanying sketch. His very favorable report is appended. He remained near the post at Doña Ana until I reached El Paso, when he reported to me.

The other party commenced the duty assigned it on the 13th June, at the point where Wool’s road crosses the Rio Frio, and did not complete it until the 8th September, though assisted the greater part of the way by a large working party detailed from the battalion of infantry by Major Van Horne. The road is generally excellent, with abundance of grass and fuel. The itinerary appended will show what the supply of water is. For a minute description of the route, I respectfully refer you to the report of Lieutenant W. F. Smith, herewith submitted. The road marked out for the battalion of the third infantry deviates little (in but two places) from the prescribed route—in both cases, to avoid labor and delay, time being very important to the troops, who had their arrangements for winter to make after reaching their destination. This consideration justified me, I thought, in departing from the letter of my orders. The first deviation is between the lower ford of the San Pedro and the Pecos; the other in approaching the Rio Grande, avoiding several rugged mountain passes, by keeping outside of the mountains near the river, and below the Eagle mountain.

While recruiting the teams for the return march, the valley was surveyed,

from the lower end of the island, below El Paso, to Doña Ana, by Lieutenant Bryan, Mr. Howard, and myself; while a reconnaissance was made by Lieutenant Smith, to ascertain if there is an available pass in the Sacramento mountains. His report is among the accompanying papers.

On the 11th of October, the party of twenty-five men, besides two Delaware Indians, engaged as guides, set out on the return march. In order to examine the country between the Rio Grande and the heads of the Colorado and Brazos, I took the northern route; but, in the middle of October, the winter set in with such severity, that I thought the lives of our mules depended on turning southward. The men, also, were equipped for summer. Therefore, instead of crossing the Pecos, we marched down it to the southern road, which was followed to San Antonio, where the party arrived on the 23d of November.

Mr. Howard and myself, with ten men, turned eastwardly from the head of the San Pedro, hoping to find a direct practicable route from that point to Wool's road about Vandenburg, both to shorten the distance and avoid the rough and uncertain road along the San Pedro. We found the country between that river and the western branches of the Nueces (about sixty miles) quite destitute of water; otherwise, practicable.

The distance to El Paso by the southern route is six hundred and seventy-three, by the northern six hundred and forty-six miles. The first distance might be diminished fifteen or twenty miles by the labor of twenty men, fifteen or twenty days, between the San Pedro and the Pecos. The other might be shortened as much, or more, by the labor of a small working party on the Guadalupe mountain for a few days, and by requiring the officer who commands the first train to straighten the road by cutting off the unnecessary curves, which now increase every day's march by two or three miles. Another improvement would be, to follow the eastern bank of the Pecos, instead of the western.

By referring to the accompanying sketch, you will see that both the routes now used very far exceed the direct distance to El Paso. It is so important to diminish, as much as possible, the present enormous cost of transporting supplies to the posts on and near the upper Rio Grande, that I strongly recommend the employment, as soon as the spring commences, of some of the disposable topographical officers in the department in the examination of the Rio Grande above Eagle pass, and in exploring the southern portion of the country between the Pecos and Rio Grande, in order to continue the road in a westerly direction from the head of the San Felipe, or the lower ford of the San Pedro. Besides the probability of materially shortening the distance, this change offers the further advantages of connecting with the navigation of the river, should it be found available; forming a means of communication from point to point along the frontier, which will very soon be required; and promoting the settlement of the valley of the Rio Grande, the most extensive tract fit for settlement west of the San Pedro.

The two positions occupied by the third infantry, near El Paso, are in a direct line—one nineteen, and the other thirty-seven miles south of the point at which the thirty-second parallel crosses the Rio Grande. Any mounted force stationed in that vicinity, to prevent incursions of the Indians into Mexico, should be so placed, I respectfully suggest, as to be able to operate readily on either side of the river, and therefore above the southern boundary of New Mexico.

We crossed many Indian trails leading into Mexico—only two, however, which seem to be very much used. One, crossing the Pecos at the Horse-head crossing, and the southern road at the Comanche spring, leads to the Rio Grande, about eighty miles below Presidio del Norte. The other, touching the heads of the western branches of the Nueces, crosses the southern road at the head of the Las Moras.

As you have done me the honor to ask what, in my opinion, are the best arms for mounted troops on this frontier, I strongly recommend those, modified, with which the men who accompanied me were equipped—the rifle for use on foot and at a distance, and the revolver for close fight. A steel rifle, of the length and weight of the cavalry carbine, and made with the skill to which American gunsmiths have attained, will have a range of four or five hundred yards. With the picket bullet, Colt's five-chambered revolver, made for the round bullet, shoots with more force and accuracy than any other pistol, and, worn at the belt, is less cumbersome than the sabre; while the repeating principle makes it more effective in Indian warfare than the cavalry pistol and sabre. The pistols furnished to the government by Mr. Colt are inferior, in every respect, to what the Texans call "fine shooters." To admit the picket bullet, the cylinders are necessarily so long as to give inconvenient weight and destroy the balance of the weapon; and the round ball is thrown by the same pistol with much the most force and accuracy. I therefore suggest a return to the old pattern.

Most respectfully, your obedient servant,

J. E. JOHNSTON,

Capt. Top. Eng., Lt. Col. U. S. A.

Major GENERAL BROOKE,

Commanding 8th Department.

List of encamping places on the southern route from San Antonio to El Paso, with distances.

Castroville	-	-	-	-	-	-	25.42
Quihi	-	-	-	-	-	-	10.00
Vandenburg	-	-	-	-	-	-	7.17
Hondo	-	-	-	-	-	-	3.80
Rio Seco	-	-	-	-	-	-	8.98
Ranchero creek	-	-	-	-	-	-	8.38
Sabinal	-	-	-	-	-	-	3.94
Comanche creek	-	-	-	-	-	-	5.37
Rio Frio	-	-	-	-	-	-	8.50
Head of Leona	-	-	-	-	-	-	7.06
Nueces	-	-	-	-	-	-	9.04
Turkey creek	-	-	-	-	-	-	10.37
Elm creek	-	-	-	-	-	-	15.23
Las Moras	-	-	-	-	-	-	7.13
Zoquite	-	-	-	-	-	-	7.46
Maverick's creek*	-	-	-	-	-	-	9.02

* A creek about midway.

Padro	-	-	-	-	-	-	2.50
Spring	-	-	-	-	-	-	1.31
San Felipe	-	-	-	-	-	-	8.98
San Pedro	-	-	-	-	-	-	10.25
Springs	-	-	-	-	-	-	19.02
Second ford of San Pedro	-	-	-	-	-	-	18.64
Head of San Pedro	-	-	-	-	-	-	22.51
Howard spring*	-	-	-	-	-	-	41.21
Live Oak creek	-	-	-	-	-	-	32.40
Ferry of the Pecos	-	-	-	-	-	-	7.88
Along the Pecos	-	-	-	-	-	-	36.56
Escondido creek†	-	-	-	-	-	-	18.24
Head-spring	-	-	-	-	-	-	8.58
Comanche spring	-	-	-	-	-	-	19.47
Leon	-	-	-	-	-	-	9.57
Luripia‡	-	-	-	-	-	-	35.32
Along Luripia	-	-	-	-	-	-	25.89
Water-hole	-	-	-	-	-	-	13.74
Small stream§	-	-	-	-	-	-	15.59
Water-hole||	-	-	-	-	-	-	6.00
Rain Water creek	-	-	-	-	-	-	17.82
Along Rain Water creek	-	-	-	-	-	-	10.77
Water-holes	-	-	-	-	-	-	8.00
Eagle spring	-	-	-	-	-	-	21.57
Rio Grande	-	-	-	-	-	-	32.42
Along Rio Grande**	-	-	-	-	-	-	55.00
San Elisiano††	-	-	-	-	-	-	5.00
Socorro	-	-	-	-	-	-	4.45
Isleta	-	-	-	-	-	-	3.10
Military post opposite El Paso	-	-	-	-	-	-	14.14
							672.70

SAN ANTONIO, TEXAS, *January 28, 1850.*

SIR: Orders, of which I submit the following copy, were received by me at the place and date set forth therein:

[SPECIAL ORDERS No. 50.] HEADQUARTERS EIGHTH DEPARTMENT,
San Antonio, September 11, 1849.

Agreeably to the recommendation contained in the letter of Brevet Lieutenant Colonel Johnston, chief topographical engineer within the eighth department, dated July 12, 1849, Lieutenant Michler, with his

* Rain water generally to be found between the last two places.

† Water frequently runs four or five miles nearer the Pecos.

‡ This is the first running water, which is sometimes found five or six miles nearer.

§ Sinks above the direct road.

|| More than two miles to a spring in the foot of the mountain.

** Crossing to the island below El Paso.

†† Military post.

party, will proceed to the examination of the route from the upper valley of the south branch of Red river to the Rio Pecos. Should there be evidences of a serious hostility on the part of the Indians, likely to endanger the lives of the party, Lieutenant Michler will retrace his steps, and return to this place for further instructions.

By order of Brevet Major General Brooke:

GEO. DEAS,
Assistant Adjutant General.

Having proceeded to execute the above instructions, I have now the honor to report their completion, and respectfully furnish the following report of my reconnaissance, together with the accompanying map:

Upon leaving San Antonio, my escort consisted of fourteen men—all civilians. I decided upon taking wagons along, as far as possible, as they would afford the best test of the practicability of a road. The nearest post to the point at which my examination was to commence is Fort Washita, in the Indian territory. Apart from the fact of its being a good starting-point from which to commence the survey, it possessed the advantages of enabling me to renew my supplies of provisions, and of refitting out my expedition with animals, or whatever might be needed, before finally getting beyond the reach of the settlements. In consideration of these circumstances, I proceeded first to Fort Washita—the distance being about three hundred and eighty miles. The road travelled was upon the extreme line of settlements, although within the present line of military posts. For the first hundred miles, the country has become pretty well settled; for the rest of the way, farms were only met with at intervals of ten and fifteen miles. With but few exceptions, the road was an excellent one throughout; the country was generally a fine grazing one, and well watered, fine bold streams being crossed at short distances. With the exception of post oak and one or two other varieties of oak, no timber was to be met with, except immediately upon the banks of streams. The principal, and I might say the only, produce of the farms is corn; the demand being limited, there is but a small supply—each farmer raising merely sufficient for his own use and for the few passing travellers. Upon approaching Red river, some few fields of cotton were seen. The villages along the road are mostly small, containing perhaps some half dozen dwellings—the latter but poor and indifferent. Even the most trivial comforts are unknown to a greater portion of them. Within a few miles of Red river, more signs of industry and ease are visible, and you seem transported in a new land. Beyond this last river, among the Chickasaws, you meet with some fine farms, and in all a degree of comfort which does credit to them.

In consequence of some heavy rains, a few slight detentions occurred; but we at length reached Fort Washita in safety. I was here detained for several days, after renewing my outfit, by a rise in the False Washita. Constant rumors of Indian hostilities reaching me, I here increased my party, which now numbered twenty-one men. With this escort, and with four wagons, loaded with provisions for two months and a half, I was in readiness for a start.

To Captain Marcy, fifth infantry, who had arrived at Washita but two days previous to my setting out, I am indebted for information concerning

the country passed over by him, knowing that the route to be pursued by me would, sooner or later, intersect his. He had come from the Pecos, but had kept south of the Red river until he reached Preston. I attempted to obtain the services of his valuable guide, Black Beaver, a Delaware, but failed, as he had so recently returned from off a long expedition. I consequently had to proceed without a guide. The courses and distances from Fort Washita to the Pecos were actually taken, and will be found in the notes of the survey.

The Washita river having fallen, we proceeded to cross it—the entire day being occupied in accomplishing the crossing of the wagons. To be better able to impart correct ideas of the country traversed, I shall extract parts from my journal of each day's march:

November 9, 1849.—This morning, started from Fort Washita. The first two miles was through the Washita bottom; the soil rich, red clay mixed with sand, being excellent cotton land; the timber cottonwood, hickory, dogwood, elm, sycamore, and post oak. The road lay partly on a post-oak ridge, dry, and of a hard, sandy nature. The Washita river, when I reached it, was still high, although fordable on horseback. When low even, it is difficult to cross, in consequence of the existence of quick-sands in the bed of the river. This stream is about three hundred miles in length, varying in breadth constantly, and about forty yards wide at the ford. It is frequently the cause of the great rise in the Red river. The water is of a bright vermilion color, and its taste brackish. They speak of erecting a bridge across it; the banks are high and favorable for accomplishing it. On the west side, the bottom land is about half a mile in width, very dense and thick, and of the same nature. The road then passes over a slightly rolling prairie until it reaches the Lower Cross Timbers. To the left are seen the low hills along the Red river; and to the right one continuous prairie, with here and there motts of post oak. Several small creeks were passed; the country seemingly well watered; the timber growing very thick along them. The soil was of a sandy nature throughout the entire distance. The prairie grass was already very dry at this season, the species of gramma being most abundant; here and there spots of mezquite. Saw several varieties of cactus to-day. At the edge of the Cross Timbers, we found an unusual formation for this country: upon the slopes of the prairie lay large rocks, all of them sharp and of a slab-like form, set in the ground at angles, edges upright, and all highly fossiliferous, but no common direction given them. The distance from the Washita river to the edge of the Cross Timbers is about nineteen miles. Encamped on Sandy creek.

November 10 to November 16.—The road for the next eight miles still continued in the Lower Cross Timbers. This body of timber commences as far south as the Brazos, and crosses the country in a northeast direction. To pass through it, we were compelled to follow old Indian trails, cutting our way wherever the wagons could not pass. Its breadth, by the road, was ten miles. The timber generally grows pretty thick, and upon a sandy soil. Post oak, white oak, Spanish oak, black-jack, and other varieties of oak, together with elm, black and white hickory, form the principal growth of the Cross Timbers. The country is rolling throughout their extent. Many small creeks traverse them, and fine walnut and sycamore grow upon their banks, and often cedar is found along them. The road laid down on the map as the "Oil Spring road" leads to a

spring which its name implies; the oil is said to resemble naphtha, and patients already resort to it for its beneficial effects. The country near the edge of the Cross Timbers became more rolling; and from the highest points the Red river could be easily seen. The Lower are separated from the Upper Cross Timbers by a high rolling prairie fifteen miles in breadth, by our course. This prairie is open and entirely destitute of timber; the soil is rich until you again reach the Cross Timbers, when it becomes loose sand. The upper are vastly inferior to the lower, both in kind and quality of timber; the former are composed of nothing but scrubby post oak.

In breadth they are fifteen miles, the main body extending west as far as Mud creek. The banks of the streams traversing them are generally of loose sand, and it is difficult for wagons to cross them; at almost every one of them we were compelled to double teams, and cut away the banks, in order to cross them. The water is generally fresh, with the exception of Salt creek. They are subject to frequent and sudden risings, but soon run out. Upon the banks of one of them we were detained an entire day, in consequence of a heavy rain on the night of the 9th. At Walnut bayou, left the road to Warren's trading-post, and followed an old Indian trail to the mouth of Mud creek. The trading-house was broken up a year or two ago, and two or three old Cherokees alone remain at the spot. We have passed several Indian villages, principally belonging to the Caddo and Bilusi tribes; they have settled down to raising corn, and with their cows and poultry seem quite domesticated. After cutting our road through the Upper Cross Timbers, we reached the Red river, and on the evening of the 15th encamped on its banks, within half a mile of the mouth of Mud creek, and distant sixty-one miles from Fort Washita. The banks of the river were low. The water was falling rapidly; and, from the extent of drift, there must have been a severe freshet. Unable to tell the natural bed of the river. There was some fine large and heavy timber upon the bank of the river—hackberry, mulberry, cottonwood, Spanish oak, black-jack, and willow forming the principal growth. The grazing near the river is, however, extremely bad.

November 16 to November 23.—Upon examination of Mud creek, we found that it was impossible to be passed, except by bridging it, or by rafting. The banks are steep bluffs, and the bed of the stream exceedingly boggy, although not deep. It seems to be back-water from Red river, and, from its appearance and quality, well deserves the name which it bears. The water is brackish, consisting of clay and water. The timber on it was scarce, and of the same kind as on the main river. In order to be passable at all times, it must be bridged. As the river was constantly falling, we found that, by means of a large sand bar extending above and below the mouth of the creek, we could at length be able to pass in that manner; fords were found from the sand bar to the shore at both extremities. By thus keeping up the middle of the river on the bar, we managed to get beyond Mud creek, after a day's tedious work. In making the trail, we very nearly lost two of our mules in the quicksands. The road lay just over a flat prairie for several miles, the river remaining in sight; it then passed over a high rolling prairie, the divide between the Red river and Mud creek—both streams being in view, and running parallel to each other. Within ten miles of again touching the river, the country becomes a perfect dead level. Encamped on the evening of the 22d, on the south side of Red river, two miles above the mouth of the Little Wichita, and one

hundred and four miles from Fort Washita: Passed two beautiful streams of clear running water, together with several smaller ones, since leaving Mud creek. To the north of us, we could still see traces of the Upper Cross Timbers, but no timber immediately along the road, excepting in small mounds along the streams. In crossing the latter we always found good fords, being led to them most generally by Indian trails. The further west we travelled, the better grazing we found—the gramma, sedge, and buffalo grass the most abundant, but the mezquite constantly becoming more frequent. By the time we reached this point of Red river, having satisfied myself of its position with respect to the two Wichitas by examinations up and down the river, I found that the water had considerably fallen, and was now at a fordable depth. After remaining upon its north bank one day to recruit my animals and to seek a ford, a second day was occupied in crossing it. The same difficulty arose from quicksands as before; and it was only by dividing up the loads into several, and crossing portions at a time, that we could get across. At this point there seem to have been several bottoms—descending high bluff banks from the first to the second, and each successive one a few feet lower than the preceding. In leaving the channel of the river, you first come upon a sand flat, the bed of the river in high water, with nothing upon it but large quantities of drift; then the first bottom land of the river, containing rich alluvial soil, sand mixed with red clay, and timbered along the edge near the flat with young cottonwood and willow. This bottom bears evidence of being frequently overflowed. Then comes the second, separated from the first generally by a steep bluff bank, the latter intersected by gullies and ravines, impassable at most places for wagons. High sand hills are found on the edge of this bottom. At the foot of the bluffs are fine springs and lakes, well timbered, and good grass along them. This bottom is also subject to overflows. The river was then rapidly falling from a high freshet; but, notwithstanding, it was filled with sand bars, and but small and narrow channels for the water to pass. At the ford, the breadth of the first bottom from bluff to bluff was about a mile and a half; that of the river bed, at any ordinary rise of the water, a half a mile; and that of the regular channel, about a hundred yards—the depth of the water about two feet and a half: at most points the channel was much narrower, but too deep for a ford. It was impossible to cross immediately at the mouth of the Little Wichita. Thus far the country has been well adapted to a road. The Cross Timbers, and large bends in the river, have caused our route to be somewhat tortuous; but with time, and a small working party, a perfectly straight road could be made. It has been watered at convenient points—the water mostly fresh, with the exception of Red river, which is a brackish red stream.

My instructions, as stated in the letter of recommendation referred to, were to commence the examination at the mouth of the Little Wichita; and at this point I had now arrived.

November 23 to December 4.—On the morning of the 23d of November, we left the Red river—a most uninteresting one to the gaze, presenting nothing pleasing to look upon. On the evening of December 4, encamped upon the main fork of the Brazos: the distance from the former to the latter, about ninety six miles. The route for this entire distance lay upon the divide between the Big and Little Wichita, with the exception of the last ten miles, which crossed the divide between the Wichitas and the

Brazos. It passes over a slightly-rolling prairie, with intervals for miles a perfect dead-level flats. A more beautiful country for roads of any kind can not be found. Near the Red river the soil is slightly sandy, and you meet with some few post-oak motts. It then becomes a fine mezquite country well timbered with mezquite, and for miles perfectly level; and even when a rolling prairie, the elevations and depressions are small. The grass at first is principally gramma, and the ordinary sedge, and their species but then come the fine early mezquite and the winter mezquite. The whole extent was well watered by numerous branches of the two Wichitas. The country appeared to have been flooded by previous heavy rains, and numerous water-holes were met at short intervals. Most of the stream possessed a slightly brackish taste: all of them were well timbered.

The Big Wichita, I have been informed, rises in the old Wichita mountains. It is much larger and rises much further west than any of the other branches of Red river. Upon leaving the divide and approaching it, the ground is exceedingly rough and uneven: deep gullies had been washed through the clay and sand, and numerous small mounds had been formed by the swift currents during the high freshets to which this stream must be subject. From the amount of drift scattered about, it must rise to a very great height, and its currents become remarkably swift. On this side the banks were high sand bluffs, but on the opposite side they were much lower, and a gradual descent to the edge of the water. Its breadth is about thirty yards, and depth only a few feet, with no very strong current. The water is of the same color as that of Red river, and tasted very brackish and bitter; young cottonwood seems to be the only timber which grows along it. Within a few yards of its banks you find many lakes or ponds, the water of which is much more agreeable to the taste. The Indian name for this stream is "Ah-he-we-wo-nah:" translated into English, it signifies "Pond creek."

The Little Wichita heads within six miles of the waters of the main fork of the Brazos—the Trinity heading up against both of these streams, and but a few miles from both. The divide between the two Wichitas is also very narrow at the same point, the two being separated from each other by about eight miles. The first stream is about one hundred and twenty-five or thirty miles in length; its breadth, at different points at which I saw it, varied from ten to fifteen yards; its depth was but a few feet, and its bottom very boggy. The bottom land is about one hundred yards in width, and heavily timbered with elm, hackberry, and cottonwood. A strip of land about a mile in width, along this stream, presents a peculiar appearance, and has been subject to some powerful influence: deep gullies, low ridges, innumerable small mounds, and hillocks of every conceivable shape, thrown together without order or arrangement, present to the eye quite a contrast to the central portion of the divide. The soil is here a reddish sandy clay. Limestone is found lying about, and the ground is covered with gravel. The whole is the result of heavy rains, and the freshets which have been occasioned by them. They all can be avoided by continuing upon the divide. The distance is thus slightly increased, but the road would be almost perfectly level, and no labor would be required. The clearness of the waters of the Little Wichita forms a striking contrast to those of the lower Wichita; it is a clear running stream, although the water tasted very slightly brackish. Almost the entire distance from the Red river

the two Wichitas were constantly in sight, and could easily be traced by the lines of timber along them.

Crossing the divide of the Brazos, you travel over a continuation of the mezquite range, and come across the Brazos without the slightest indication of its presence. No timber along its banks as far as the eye can see: you stumble upon it without any forewarning. High bluff banks along its very edge conceal it until you reach the top of them. Its channel is about fifty yards in width, and bounded but by a small strip of bottom land. We easily found a ford, which we were enabled to cross without labor, its depth being about two feet. Owing to its red sandy bottom, the waters have a reddish appearance, though clear, and free from mud. The Indians call this stream the Colorado, and much more deservedly than the one bearing that name on the map of Texas. The water is exceedingly brackish. Small streams of fresh water are found emptying into it, which will serve every purpose. In the bottom was good grazing of sedge and water grass, and on top of the bluffs again spread out the mezquite flats. Near the Red river the formation seemed to be sandstone, but on the Brazos we found some beautiful limestone. The bluffs were white with the large limestone rocks that lay strown on their surface. Lay by on the 3d to recruit my mules. Since leaving Red river we have met with several tribes of Indians—Shawnees, Delawares, Tongues, &c. The Comanches and Tongues were united in chasing the buffalo above the Big Wichita; they allowed us to pass unmolested. During the last few days of November we had some extremely cold weather, and our animals suffered severely; the grass became deadened by frosts, and contained but little nourishment.

December 4 to December 16.—On rising the bluffs of the main fork of the Brazos, we again found a continuation of the mezquite flats, over which we travelled until we reached the head of the Double Mountain fork of the Brazos. Day after day the country was almost perfectly level: one exception alone can be made, a distance of four or five miles, over some high sand hills, perfectly destitute of grass, and covered with low scrub oak; the rest was either mezquite flats or a very slightly rolling mezquite country—the distance from the Brazos, one hundred and eighteen miles. The whole country was well watered by branches of the Double Mountain fork and the Clear fork of the Brazos: the only distance without water of any length was twenty miles. There was but little timber upon these streams upon first leaving the main fork; but the further we advanced the more we found—elm being the principal growth. The whole country was well timbered with mezquite, but most of it had been killed by prairie fires. The general course of the Double Mountain fork is northeast, both this stream and the main fork running very nearly parallel. As its waters are fresh, and leading at the same time near the waters of the Colorado, it possesses much greater advantages than the main fork for the purposes of travel. It is a fine clear stream, although of no great width; at many places it runs with a swift current, although frequently standing in large holes or lakes, and in these places exceedingly deep. It has a gravel bottom, and in a few places a hard limestone bottom. The banks are generally high, the prairie extending to the edge of them. At a distance of forty-five miles from the Brazos we first struck Captain Marcy's trail, and then commenced following it. About seventy miles from the Brazos, the country, which had hitherto been very mountainous, began to assume some new

features; high mounds and low ridges of hills came in sight, and presented a new scene. The road, however, left them mostly to our right, and they continued to extend to the head of the Double Mountain fork. They offer not the slightest objection to the road, our wagons passing along without any trouble or work. They are low, and scarcely bear the name of a hill, except in comparison with the level country about them: they are a succession of spurs or oblong mounds, overlapping each other, separated by deep ravines and gullies. Upon ascending them, you see some distance in advance of you two high peaks, forming prominent landmarks, and near the head of the Double Mountain fork, from which this fork derives its name. They continue constantly in sight, and your course is directed towards them. Limestone abounds upon these hills. The live oak and cedar first are seen upon them. A second range, parallel to the first, is seen at some distance further off. A low country intervenes between them, and appears to be the basin of the main fork. During this interval of time, we suffered most severely from cold northers, heavy rains, and terrible sleet. Our mules had already become very weak, in consequence of living upon grass alone—the latter having lost most of its nourishment from the killing frosts which night after night lay upon the ground. The cold affected the rest; and nine of our animals were either frozen to death or left so stiff with cold as to be unable to be moved. Our loss would have been greater had not the men divided their blankets with their animals, and built immense fires, to protect them as much as possible from the cold. We found it necessary to change the party from mounted men to foot men, and replace the wagon mules by saddle mules. The commencement of the winter setting in so severely, we knew not what might come to pass ere we returned to the settlements.

December 16 to December 23.—Upon leaving the head of the Double Mountain fork, we commenced crossing the divide separating the waters of the Brazos from those of the Colorado—a distance of about eight miles. The country here undergoes a complete change. You now meet with high rolling prairies, arid, and destitute of timber, and scarcely any grass but of the most miserable kind. Occasionally you cross low sand hills, containing some low cedar and scrubby oak. This country extends to the "Big springs of Colorado," these latter distant from the head of the Double Mountain fork about fifty-six miles. Several fine branches of the Colorado were crossed, the largest of which was the Salt fork. With the exception of the latter, they were all streams of fresh water; their banks were high, but they were all of no great width. On the 21st, we encamped at the "Big springs of the Colorado," and remained there the following day to rest our animals. These springs are very large, and a considerable quantity of water is obtained from them; they cover a space of about twenty feet square, and in some places the water is fifteen feet in depth by measurement. They are walled in by a ledge of high rocks, forming a concave surface, within which the basin of the springs lies. The water is impregnated with lime, and is cool, fresh, and perfectly clear. It is carried away in a bold, running stream, which in a short distance sinks below the surface. The rocks which line the waters are a conglomerate limestone, formed by numerous shells, united by a natural cement, the character of which is silicious. The surface of the ground around it is covered with angular pieces of limestone. High mounds and hills surround the springs. The soil is chiefly sand; the grass is poor;

no timber but young mezquite and cedar; some scrubby elm borders the stream. This spot has been a favorite place for the camping-grounds of Indians; numerous large, well-beaten trails lead from it in different directions.

December 23 to December 31.—On the morning of the 23d, we left the "Big springs." Our road now lay over a high arid plain, perfectly destitute of timber—scarcely even a sprig of mezquite, except in the neighborhood of water-holes. For miles, the country would be a perfect level, and then a slightly-rolling prairie; it seemed destitute of all growth of any kind, and nothing to be seen upon it excepting the antelope and wolf and prairie dog town. The grass was scattering, and miserably poor; occasionally a small spot of mezquite was found. This continued until the commencement of the low sand hills, a distance from the "Big springs" of about seventy-six miles. At the distance of twenty-one miles were the "Mustang springs." There was nothing to indicate their presence; a few scattering chaparral bushes were growing within half a mile of them, but in proximity to the water were no trees or bushes of any kind. A low prairie of about a hundred acres in extent, in form very nearly circular, and bounded by low bluffs, composed principally of white limestone, contains several small ponds of water—one or two pretty deep, and the rest not containing much water. The taste of the water is flat and sweet, being slightly brackish. From the number of trails leading to them, and the number of mustangs which came to water there, and the quantity of flag and other vegetable matter growing in and about them, I judge the water to be permanent. Several springs were found bubbling up in the ponds. Upon reaching the sand hills, we found, for the first twelve miles, low ridges of sand, running parallel to each other, plains of the same kind interspersed between them, with small hillocks. The sand was here of a black color. Then come the white sand hills, which are really an object of curiosity. They are a perfect miniature Alps of sand—the latter perfectly white and clean: in the midst of them you see summit after summit spreading out in every direction, not a sign of vegetation upon them—nothing but sand piled upon sand. They form a belt two or three miles in width, and extend many miles in a northwest direction. But a matter of the greatest surprise is to find large water-holes among them: they are found at the base of the hills, are large, deep, and contain most excellent water, cool, clear, and pleasant. The water is permanent. A great deal of vegetable matter and young willow trees are found on their banks. This was the first water we found since leaving the "Mustang springs"—a distance of sixty-seven miles without any: during this entire distance we saw no indications of any whatever. Instead of going above the sand hills, we crossed them, following a large Indian trail over them; and then, taking up our course, we reached the Pecos in twenty-two miles. The first two miles was over the sand hills; and a difficult undertaking it was to cross our wagons. The country was then a slightly-rolling prairie, a hard, sandy soil. A thick growth of chaparral extended from the sand hills to the bottom land of the Pecos. The grass was indifferent, and the soil poor and unproductive. A low ridge bounded the bottom land, the latter being about a mile wide where we struck the Pecos. The course of the stream was nearly east and west; its width was about forty feet; and, being too deep to ford, we encamped on its left bank. It answered well the description given me by

others, and was truly a "rolling mass of red mud"—nothing to indicate its presence but a line of high reeds growing upon its banks. Along its banks you find numerous lakes, the water of which is clear, but still more brackish than even that of the river. On December 30, we reached the Pecos, the point at which our reconnaissance was to end—a distance of four hundred and ninety-two miles from Fort Washita. From this examination we may conclude that, for the distance passed over, a more advantageous country for roads of any kind cannot be found—for hundreds of miles almost a perfect level, well watered the greater portion, and well timbered. It stands unrivalled by any other portion of Texas that I have seen. The sand hills, and the scarcity of wood and water, from the "Big springs" to the Pecos, form the only objection. We carried wagons with us throughout the entire distance, without the slightest difficulty. The grass is mostly the fine curly mezquite, the best for grazing purposes. No hills or mountains to form any obstacle, and no work to make a road required. The whole country is entirely different from what it was represented to be by persons who boasted of their knowledge of this part of Texas—showing that not the slightest reliance could be placed upon their statements.

December 31, 1849, to January 24, 1850.—As it was difficult to cross the Pecos, in order to strike the road to El Paso, I determined to continue down the left bank until I reached the Horse-head crossing, and then follow the road into San Antonio. Our route continued in the Pecos bottom, following the general course of the stream. The bottom was solid, and made a good road, and was perfectly straight. Low ridges bound the bottom until near the crossing—the width of the bottom varying, on this side of the Pecos, from a mile to only a few yards. At any stage of the weather, a good road can be found along the foot of the ridge. The distance from where we struck the Pecos to the Horse-head crossing was about forty miles. During the march down the Pecos we had a snow-storm, and we again lost two mules. In consequence of these losses we had been compelled to leave behind two of our wagons. By occasionally replacing the wagon mules by saddle mules, we still managed to get along pretty well. We travelled into San Antonio, for the greater distance, by the same route which Lieutenant Bryan pursued in going to El Paso. His report will be sufficient to give all the necessary information concerning it. From the Pecos to the head-springs of the Concho, a distance of sixty-eight miles, we found no water. Leaving the Concho at the point where he first struck it, we followed the emigrant road by the head of the San Saba. On leaving the Concho, the road ran over a high-rolling country; the only peculiarities of it were the numerous mounds which were scattered on our right and left—generally of a spherical form, varying in size, and at unequal distances from each other, their sides covered with loose stone and low brush. The country was hilly, and large rocks lay strown about. The soil has been a hard gravel one; its only recommendation, that of making a good road. The first nineteen miles we found plenty of water; but for the next forty-five miles, until you reach the San Saba, there is none to be relied upon. On reaching the San Saba, we travelled down the valley of the stream for thirty-five miles. It is a beautiful mezquite valley, perfectly level, and varying in width from a mile to a few hundred yards, and surrounded by high bluffs.

On leaving the San Saba we crossed the divide separating it from the Llano. This portion of the country was much like that ere reaching the San Saba, but not quite so rugged. Descending from the divide, we followed the valley of Honey creek, one of the branches of the Llano, until we again came into Lieutenant Bryan's road, about sixteen miles from the crossing of the Llano. We then continued along it until we reached San Antonio. The distance from the Horse-head crossing, on the Pecos, to San Antonio, by this route, was three hundred and forty-six miles. We arrived at this place on the 20th of January, having travelled a distance since leaving it of nearly thirteen hundred miles.

Very respectfully, your obedient servant,

N. MICHLER, Jr.,
Brevet 2d Lieut. Top. Eng.

To Brevet Col. J. E. JOHNSTON.

SAN ANTONIO, *April 16, 1850.*

SIR: I have the honor to transmit herewith a sketch of the river Colorado, from Austin to its mouth. Although the scale is not large enough to show distinctly the character of the channel, it is as large as the means of conveyance (the mail) will permit.

The examination of the river was made by Lieutenant W. F. Smith, assisted by Messrs. R. A. Howard and J. F. Minter.

There are three sorts of obstruction to the navigation of the Colorado. The (so called) raft, snags, and overhanging trees. The removal of these would make the river, in ordinary stages, practicable to Austin for boats drawing two feet water.

The raft occurs in eleven separate parts, the aggregate length of which is 3,569 yards. It is seven miles from the head of the first to the foot of the last portion, and eleven miles from the last point to the mouth of the river.

The expense of clearing this part of the channel is estimated at \$30,000 by a person who was for several years engaged in the removal of the Red-river raft. The necessary machinery would cost, he thinks, \$20,000 more.

Between the head of the raft and Bastrop there are fifty-four clusters of snags—the clusters, as well as the snags, generally small. Between Bastrop and Austin the channel is in three places choked with fallen trees; and in three other places large boulders occur, which should be removed.

Between Austin and Lagrange, large trees overhang the channel. The cost of their removal could not exceed \$500.

To open the river to Austin, then, the cost would be about \$56,000, viz:

To remove the raft	-	-	-	-	-	\$50,000
“ “ snags	-	-	-	-	-	5,000
“ “ trees and boulders	-	-	-	-	-	1,000
						<u>\$56,000</u>

If machinery now owned by the United States could be used, \$20,000 would of course be deducted from this estimate.

At a slight additional expense, the river might be made navigable throughout the year. There are nine shoals below Austin, in each of which the depth of water could be increased several inches by slight wing dams, except that near and above Columbus, where the object would be accomplished by excavating thirty or forty feet in soft soap stone.

The improvement of the Colorado would reduce the annual expense of transporting supplies in this department by at least \$20,000.

Should the government remove the raft, the inhabitants of the valley of the Colorado would probably complete the opening of the river. More than \$20,000 has been subscribed for that purpose.

Most respectfully, your obedient servant,

J. E. JOHNSTON.

Col. J. J. ABERT,

Chief Corps Topographical Engineers.

QUARTERMASTER GENERAL'S OFFICE,
Washington City, June 13, 1850.

SIR: I have the honor to enclose herewith a copy of the report of Captain S. G. French, Assistant Quartermaster, in relation to the road opened between San Antonio, Texas, and El Paso del Norte, required by a resolution of the Senate dated 8th instant.

I remain, sir, most respectfully, your obedient servant,

CHAS. THOMAS,

Lieut. Col., Q. M. in charge of the office.

Hon. GEO. W. CRAWFORD,

Secretary of War, Washington, D. C.

ASSISTANT QUARTERMASTER'S OFFICE,
San Antonio, Texas, December 21, 1849.

A report in relation to the route over which the government train moved from San Antonio to El Paso del Norte, made in pursuance to orders received from Major E. B. Babbitt, A. Q. M. U. S. A., dated May 30, 1849.

S. G. FRENCH,
Captain and A. Q. M.

REPORT.

In February last, Lieutenant Whiting, of the Engineers, and Lieutenant W. F. Smith, Topographical Engineers, left San Antonio for Paso del Norte, to explore the country, and ascertain if it were possible to open a road for military and commercial purposes between the two places. During their absence, the train to transport the government stores and the property of a battalion of the 3d infantry to El Paso was got in readiness, and ordered to proceed by way of Fredericksburg; but, when on the eve of starting, the return of the engineers, and their favorable report, induced the general commanding to change the route, and directions were

given for the expedition to proceed by way of the military station on the Leona.

Late in May the trains were started, and ordered to encamp on the Leona, and there await the arrival of the troops under order to move on the 1st of June. The day fixed for their departure proved exceedingly unfavorable; the rain fell in torrents, which, added to those that had fallen a few days previous, rendered the roads extremely bad. The command, however, moved on, and encamped for the night on the Leon creek. The following day a violent thunder-storm arose early in the morning, and the command remained in camp.

On the morning of the 3d they moved to the San Lucas springs; and, before the tents were pitched, again the rains began to fall. The prairies were now inundated—the roads so bad that it was with difficulty the company teams, overloaded as they were, could move.

On the morning of the 4th I left the troops encamped for the day, and moved on to Castroville, 25.42 miles from San Antonio. The road from San Antonio to Castroville runs through a generally level prairie, covered with a luxuriant growth of grass; the soil is good, and country well adapted to cultivation and grazing. The town is situated on the west bank of the Medina river, and contains about 500 inhabitants, mostly German emigrants. The place presents but few signs of improvement, and idleness and poverty are more visible than industry and wealth; houses are falling to decay, and the rich lands lie uncultivated.

The Medina is here a clear, bold, rapid stream, about 30 yards wide, flowing between banks that rise near 50 feet in height on either side. It empties into the San Antonio river about 12 miles below the town of San Antonio.

From Castroville the road leads over some gentle hills, and thence through a tract of land pretty well timbered, until it opens out into what is here known as a "hog-wallow" prairie. We found the road, owing to the rains, as bad as can well be imagined. Beyond this prairie is a slightly elevated ridge, from the top of which, spread out before him, the traveller sees the beautiful valleys of the Quihi and the Hondo, pent in by the blue hills in the distance. The valley of the Quihi is sparsely covered with timber, principally mezquite and oak. The land is extremely rich, and affords at all seasons excellent grazing. In midsummer the stream ceases to flow, but the water at intervals collects in never-failing pools. The village of Quihi is a German settlement, being a branch of the main one at Castroville, and consists of only a few miserably rude huts—distance from Castroville, 10 miles.

Six miles further on the road is the town of Vandenburg, a third settlement made by the same colony; it consists of some 21 log houses or huts. The country around is beautiful and productive, and nothing but industry is required to make it teem with all the productions of agriculture. The nearest water is the Hondo, four miles distant. On reaching it, however, we found it but the dry bed of a river, with occasional ponds of water. Rising from the Hondo, the road stretches over a prairie country to the Seco, crossing a "hog-wallow" that we found nearly impassable.

The Seco, at this season, like the two previous streams, afforded no running water, notwithstanding the late rains. Two miles below the crossing, on the left bank, there is a settlement of Germans, at Dermis. Here, as at Vandenburg, great inconvenience arises from the want of

water; and while we were encamped on the banks, the people had to drive all their cattle two miles to a pond found in the bed of the stream. This has been selected as a site for a military post; and on our return we found stationed here two companies, one of dragoons and one of infantry—the distance from Vandenburg, 12.78 miles; distance from San Antonio, 55.37 miles.

From the Seco, the country is undulating in appearance for several miles, and then opens out into a level prairie, which continues to Ranchero creek—distance from the Seco, 8.38 miles.

Four miles further is the Sabinal—a clear, cool, delightful, running stream, with banks bordered with large trees, suitable for building purposes. Leaving the Sabinal, the country is more rolling and diversified; the growth of small mezquite bushes begins to take the place of the open prairie. With but little change, the road continues its westerly course across the Comanche creek, and thence to the Rio Frio, 13.87 miles. We found in the Rio Frio no running water. Its banks are high, presenting in places a wall of limestone of considerable height; and evidences of its being swollen to a stream of large size, at times, were visible. Its bed is covered with well-attributed limestone, and its edges are bordered in many places with oaks of large growth. Thus far the road over which we had travelled is known as Wool's, or the Presidio road, and extends to the Rio Grande.

But at the crossing of the Rio Frio, the road to El Paso leaves it, and commences its course over the hitherto untrodden prairie. Bearing a more northerly course, it strikes the head-waters of the Leona above the site of the military post.

The Leona—a clear, cool, and beautiful stream—has its source in this neighborhood, and forms, in the course of a few miles, a creek some fifty feet wide, flowing through a dense forest, on either side a quarter of a mile in width. The lands on this stream will vie in fertility with any portion of Texas; and the abundance of timber scattered over the whole extent of the Nueces adds much to its value. No part of the State offers greater inducements to the agriculturist, and as a grazing country it is unrivalled. Indeed, the same may be said of the whole extent of country from San Antonio to the Nueces. The post is located on the left bank, above the Presidio crossing, near a rocky conical hill or mound. It is a beautiful site for a military station, shaded as it is from the scorching rays of the summer's sun by a dense foliage, and the forest that renders it cool in summer shielding it from "northers" in winter.

From here Lieutenant Colonel J. E. Johnston and Lieutenant W. F. Smith, Topographical Engineers, and party, with a small train of wagons, proceeded in advance, to commence their explorations of the country, and the opening of a road. The recruits having joined the battalion, the whole expedition moved to the Nueces on the 19th. At the point where the road strikes the river, it flows through a sandy bottom land, near a half mile in width, covered with large trees.

We found the Nueces, at that season, a clear stream, running over a bed of white stones and pebbles, and affording a volume of water forty feet in width, and about one and a half in depth, though it shows signs of having been at times a large river, forcing in its course far above its present bed large quantities of rocks, rounded by the action of the current.

The grazing on the left bank is good: distance from the Leona, nine

miles. Below the crossing a short distance, bituminous coal is said to be found in great abundance. Passing the Nueces, the general features of the country begin to change, and it becomes slightly hilly. At irregular intervals, the hills rise on the left to considerable elevation. The rich loamy soil is found only in the valleys. Limestone rocks make their appearance on the surface, and the hills are stony and barren. This continues about ten miles to Turkey creek. The valley at the head of this stream is of large extent and fertile, and covered with a large growth of mezquite trees. The banks of the creek are bordered with post and live oak. The grazing is fine and abundant. At this place, owing to heavy rains, the command was stopped nine days. The road heads the main spring from which the creek rises, though, on our return, water flowed from a small lake a little higher up.

After leaving the valley of Turkey creek, the country becomes more rolling, and the trees more scarce, giving it the appearance of a more open country. A march of about thirteen miles brought us to the bed of a creek, with rain water collected in large ponds. Three miles further on, the road crosses Elm creek. Below the crossing, which in summer is dry, the water runs from a spring, and forms a small creek, that flows over a rocky bottom. It doubtlessly derives its name from the trees that border its shores, though post oak and hackberry are the principal ones that grow near its source.

The next stream of note is the Las Moras, which takes its rise below the road. Its waters, gushing out from the springs, form at once a large creek. Trees line its banks as far as the eye can reach. To the north rises a conical hill that may be seen many miles distant, and is known as "Las Moras mound."

Formerly this stream was much resorted to by the Indians, and large, well-beaten trails are now seen following down its course. From the Las Moras to the Piedra Pinta, a distance of over seven miles, the country continues the same general appearance. This stream is about ten feet wide, near three deep, running over a bed of limestone. The crossing is bad, the banks being very boggy.

Leaving the Piedra Pinta, the country is open, with only here and there a few mezquite trees. The approach to the Rio Grande is marked by the appearance of distant mountains on the left, now distinctly visible from the rising ground. The next water is the Zoquete, a small stream that flows through a bed of rushes. The surrounding country is an open prairie, the soil good, and covered with fine grass. At the point where the road crosses this creek, it branches, one branch bearing the name of Maverick's creek. The crossing is not good, the soil being miry. About three miles in advance, the road crosses Arroyo Pedro, a creek of clear water, coursing along the wide stony bed of a stream which, during the rainy season, is swollen to the dimensions of a river. The crossing is good. Large oaks are found in groves on its shores. Beyond this arroyo the soil becomes stony and barren, and covered with cactus and dwarf chaparral, as far as the San Felipe. The road crosses this stream a little way below its head-waters.

To the north of the road, and a half mile distant, there is a beautiful spring of water, fifty feet in diameter at the surface, the sides of which incline towards a centre, like an inverted cone, and then, sinking in a cylindrical form to the depth of twenty-eight feet, through a soil of hard

clay, afford a passage for the water to rise. The water comes to the surface with slight ebullition, and flows off in a volume that would fill a cylinder two feet in diameter. This spring is the source of the San Felipe; as it flows on, the volume of its waters is increased by other large springs, on either side, until it becomes a creek, when it empties into the Rio Grande, eight miles below the crossing, some thirty feet wide and several feet deep. Near its junction with the Rio Grande, its banks are shaded with large groves of pecan, maple, elm, and mulberry trees. This is the last of those small, clear streams, flowing through fertile valleys, with banks admitting every access to their waters. At this place, Major Van Horne, with the command, started in advance, on the 8th of July, leaving the supply trains an escort. We moved on the 22d, and thus continued the march to El Paso. Eleven miles distant is the San Pedro river, beyond which, and close by, on the north, is the great table formation. These features of the country may tend, ere long, to point the San Felipe out as a site for a frontier post.

The banks of the Rio Grande, below the mouth of the creek, for many miles, are nearly or quite inaccessible. From the San Felipe to the San Pedro, the country becomes more elevated, inclining to a high plain, far below which, in a deep, rugged cañon, the waters of the latter find an outlet into the Rio Grande. The descent to the river is made through crooked ravines, that required much labor to make them passable.

Viewed from this point, the San Pedro is a stream about sixty yards wide, running over a level bed of solid limestone rock. This is perhaps the only point at which it is possible to gain the opposite bank, for several miles, either up or down the river. When returning, we found that during our absence the autumnal rains had caused a great freshet, and the usually shallow waters had risen nearly twenty feet.

From the table land above, on either side, the country presents a dreary aspect, and no traces of the river can be seen in the depth below. About two miles beyond, water is found in a ravine; and near by is the only encamping-ground in the vicinity. From some rude Indian paintings on the rocks, it has been called the "Painted caves." From there the road continues up the ravine to the open country; and the first water we found beyond was at some springs sunk in the open plain at and near Pallas Blancas. In July, but a scanty supply of water was found here for so many animals; but, on our return, in November, we found it a running stream. The grazing is good, but no wood whatever is found.

From Pallas Blancas the road gradually ascends for a short distance, and then runs apparently parallel to the river, with a succession of hills on the left. About eight miles further on, the road passes through a gorge of the mountains, and then stretches out over some high table land for several miles, until it commences winding around the base of the irregular mountains, now rising and then descending, as it approaches the river again. For five or six miles it is very rocky and rough; and during the whole distance the country is a constant succession of hills on hills, destitute of grass and wood, and giving support only to the saw-leaf palmetto. It is a miserably rough, broken, and barren region, avoided alike by every living thing. By winding around the base of the mountains, a descent is made to the river.

The San Pedro, from its source to this point, flows down a valley formed by mountains on either side, and which are not unlike, in appearance,

those on the banks of the Hudson. The valley varies from a quarter to one and a half miles in width, up which the road runs, crossing and re-crossing the stream many times, and often following up its bed over a continuous mass of rounded and attritioned rock, varying from an inch to two feet in diameter.

In many places, the road over which we had passed, we found, on our return, had been at least twenty feet under water. All the way up the valley, at intervals, the road is very rough—particularly at some of the crossings. The grazing is poor until you reach the head of the valley, where it is excellent—the gentle slopes of the mountain sides being covered with gramma grass. It is a place resorted to by the Indians, and numerous lodges are found by the water's edge.

At the point where the road leaves the stream, the valley is divided. Following the more westerly one a distance of nine miles brings us to the table lands that stretch between the waters of the San Pedro and Pecos rivers. It is of limestone formation, with horizontal strata, and the general appearance is that of a vast level, unbroken plain; but such is not the case: valleys extend out from the streams; from these others branch off to the right and left, ramifying the country in every direction; and near the Pecos these valleys head in innumerable chasms and cañons, traversing the plain in every course, with rocky sides so high and steep as to form impassable barriers. In places, and particularly about Howard's springs, the valleys, with all these ramifications, seem to have quietly sunk from the general level—the same strata of stone marking the precise level on the different hill sides for miles. But these apparent hills are but the natural slopes of earth from the valleys to the generally level lands above.

The nearest water after leaving the San Pedro is found at Howard's springs, forty-one and a quarter miles distant. The road is good, and the grass in the valleys very fine, consisting of gramma and fine mezquite. The springs, from the large basin they form, afford a small stream of running water in the summer, which, after flowing a short distance, sinks into the ground. Wood, in sufficient quantities for fuel, is found near the springs. It is a place much resorted to by the Indians. From thence to Live Oak creek, the next reliable water, is a journey of thirty-two miles, though after rains water may be found in pools in the rocky bottoms of ravines near the road. When approaching the Pecos, the road leads down a steep hill into a valley, along which it continues several miles to the valley of Live Oak creek. After crossing this stream, the route is down its right bank to the valley of the Pecos, and thence up it to the crossing.

For the distance of near forty miles, the route lies up the east bank of the river. A few miles below the ferry, the valley of the Pecos disappears, and the mountains on either side approach each other very closely. Proceeding up, they gradually widen out, forming a level valley from one to three miles in width; and a little above where the road leaves the valley, they stretch to the left over the plain in a broken, irregular line.

The Pecos is a remarkable stream, narrow and deep, extremely crooked in its course, and rapid in its current. Its waters are turbid and bitter, and carry, in both mechanical mixture and chemical solution, more impurities than perhaps any other river in the south. Its banks are steep, and, in a course of two hundred and forty miles, there are but few places

where an animal can approach them for water in safety. Not a tree or bush marks its course; and one may stand on its banks and not know that the stream is near. The only inhabitants of its waters are catfish; and the antelope and wolf alone visit its dreary, silent, and desolate shores. It is avoided even by the Indians.

The grass on the lower part of the stream is good; but further up the salt marshes begin, and it becomes coarse. The average width of the river is about sixty feet, and its depth eight feet. A few miles above the point where the road leaves the river, there is an Indian ford; near thirty miles still further up is the "Horse-head crossing," on the Fredericksburg route; below this is the ford where the great Comanche war-trails pass from the north down to the great bend in the Rio Grande, and thence into Mexico; below this is Connelly's crossing. The road up the Pecos is good; the greatest difficulty is in watering the animals, rendering it a choice whether to do it by means of buckets or cutting away the banks, if the water be high, and letting it into the salt lakes near the shore.

Leaving the Pecos, the road turns directly to the west, up a wide valley or plain, with hills in broken ridges on both sides. As the distance increases, the soil becomes more and more sterile, without grass, and yielding support to nothing but dwarf bushes, Spanish bayonets, and stunted cactus. Continuing over a gently-swelling hill, another valley is entered, following which about six miles, water is found in ponds, some of them quite deep, surrounded by a tall growth of rushes and cane. The water rises from a rocky bottom, and, as it imperceptibly glides away, gives life and freshness to the coarse grass and cane. This water is distant from the Pecos about eighteen miles, and has been called Escondido creek. The grazing is not good, and wood for fuel is scarce. Eight miles further on are the Escondido springs. The water gushes out from beneath a shelf of rocks, and flows some distance down the creek. The country around is rocky and barren, covered with chaparral and prickly pear. The grazing is limited, and wood by no means plenty.

From Escondido to the Comanche springs the road is good. The hills now gradually disappear, and the country becomes open. The soil is light, and, on being trodden up by our animals, was wafted by the strong wind over the prairie, covering the bushes and grass for miles. By the volumes of dust that arose, the trains could be descried at a great distance; and, thus viewed, the clouds of dust that filled the air appeared like smoke from the prairies when on fire. Fortunately, the wind blew directly across the road: otherwise the animals would have suffered very much.

The Comanche springs, situated as they are in the open plain, have long been a celebrated encamping-place for the Indians. Here four roads may be said to cross at the same point: first, the great Comanche war-paths, leading into Mexico, marked by the bones of animals; second, Connelly's trail to Presidio del Norte; the route of emigrants from Fredericksburg to Presidio; and the road from San Antonio to El Paso.

The water rises from a number of springs, and forms a stream of excellent water, perhaps twenty feet wide and two feet deep, which, after flowing some ten miles, disappears in a salt plain.

The grazing is pretty good. The only wood for fuel consists of dead chaparral and mezquite bushes in the vicinity. The place is noted for the number of bones of horses and mules scattered around its waters.

From these springs to Presidio del Norte the distance is estimated at one

hundred and sixty miles; thence to Chihuahua, one hundred and fifty miles; from here to Paso del Norte, it measures two hundred and seventy-nine miles; from El Paso to Chihuahua, the distance is estimated to be between two hundred and forty and two hundred and eighty miles. These distances show the advantage of the road from here to Chihuahua, and large trains with emigrants have already passed over it; and, as commerce is usually forced by enterprise and competition into the nearest and cheapest channels of communication, this may in time divert it from those over which is now carried.

The next watering-place on the route is the Ojo de Leon. The country between the two places is extremely sterile. The water rises to the surface from out of springs, thirty or forty feet in diameter, that sink to a great depth, like large wells. The water runs from one spring to another, and finally, in the course of a half mile, sinks into the earth. Near the springs the ground is bare, and covered with a finely-crystallized salt, which at a distance appears like snow. The odor of sulphur is perceptible about the springs. The grass is coarse; and no wood, except from the dead bushes, can be procured for fuel. Quitting Ojo de Leon, the road still continues over a dreary, barren country, without timber or grass, until it enters the valley of the Sierra Diablo.

The general features of the country now change: mountains rise on the right and left; the limestone formation has generally disappeared; and the hills wear a sombre appearance, from the dark rocks of the primitive formations. The distance from the Ojo de Leon to the Limpia is near forty miles; and no water intervening can be relied on, though at certain seasons it may be found.

At the point where the road strikes the Limpia, it is a small stream, rising from its rocky bed, and, flowing a short distance, soon disappears.

The hills were here, in August, clothed in verdure as green as if it were early spring. The country is beautiful; and the mountains, covered with green grass to their summits, present a pleasing appearance.

Leaving the valley, the road enters the Wild Rose pass. But few places can present anything more lovely than this little valley, surrounded as it appears to be by a wall of vertical rocks, rising a thousand feet in altitude—these rocky walls partly forming the sides of mountains that rise still higher, and overlook the valley from every point. From here the road leads over a spur of the mountains, and descends on the other side, and, continuing up the bed of the stream several miles, through a deep, narrow cañon, leads to a more elevated plain, in which this little stream takes its rise. This cañon in some places is not more than two hundred yards in width. Columnar basaltic rocks, that rise one behind the other to many feet in altitude, form its sides, and present a singular appearance.

The mountains of the Sierra Diablo do not form a single continuous ridge, but rise in irregular order, mountain on mountain, and peak on peak, covering an immense extent of country, forming innumerable small shaded valleys, deep cañons, and ravines, that wind in a circuitous course around their base.

The country, viewed from the top of one of the highest mountains, presents to the eye of the beholder, in every direction, hills, in their pristine grandeur, as countless as the billows of the ocean. Far and wide these ten thousand single conical mountains rise, intersecting each other at their base, or higher up their sides, forming an impassable barrier, had not

some convulsion of nature seemed partly to have opened the pass and cañon through which the road runs.

The first encampment on the plain is called the Painted camp. Gramma grass is abundant, and wood plenty. The Limpia here, though near its source, affords more water than where it was first met, thirty miles below. A little distance up the stream there was growing a small field of corn, planted by the Indians; and on its banks were some of their lodges, constructed of willow sticks bent in the form of an arc, and interlaced at the top. From Painted camp, the road continues over the plain, and is remarkably good. For several miles it runs through a prairie dog town; and over the whole country they inhabit the herbage is kept closely cropped by those little animals, and the fresh grass springing up gives it the appearance of a bright lawn.

By the road side, fourteen miles distant, beneath a large boulder of granite, water may be found; but it was unfit for use when we passed it, having been completely trodden up with mud by the animals of the advance trains.

The first reliable water is at Smith's run, twenty-six miles from the Limpia. The last six miles of the road runs on ground covered with small angular fragments of rocks, rendering it very rough. This creek is found in a ravine at the base of a high range of mountains on the right; and to reach it, the road turns off the direct course near two miles. The grazing is good, and wood is found in abundance.

These mountains on the right form a lofty and continuous ridge, presenting an extremely jagged and serrated crest. They are formed principally of rocks of igneous origin. Near their tops, forests of pine are visible, and some logs, borne down by the mountain torrents, were discovered in the ravines. Continuing along the base of these mountains, water is found again in some springs ten miles distant. But from here to Eagle springs, a distance of sixty miles, no certain or living water is found, though there are intermediate ponds, and Rain Water creek, twenty miles distant, is sometimes swollen to a stream of considerable size. Between these points the country is mostly an elevated plain. The road, leaving the mountains on the right, passes over to the range on the left. From the plain other chains of mountains rise, and, running towards the north in a parallel direction, terminate in the vast plain east of El Paso. Eagle springs are found in a ravine formed by the spurs of the mountains. Although the precaution was taken to march the train in four divisions, each on consecutive days, yet water was not found sufficient for one-third of the animals: consequently, they had to travel seventy miles without water. The water did not run, but merely oozed out of the ground, and was collected in numerous holes dug for that purpose. During most of the year, perhaps, more water might be found; and now, at all seasons, there *will be* found in the pits that were sunk enough for ordinary trains. From Eagle springs, the road leads near the mountains on the left, until it crosses over to the plain beyond, and runs towards a chain of mountains that rise near the Rio Grande; continuing near their base, it enters a deep rugged cañon; and, after winding down its course a few miles, the spurs of the mountains diminishing in height, the cañon opens into the plain beyond, and the waters of the Rio Grande are visible, about a league and a half distant.

The bottom lands of the Rio Grande valley, on the American side, to the lower end of the island, a distance of fifty-five miles, are in many places

very fertile. Timber is thinly scattered over the whole extent. The road up the lower part of the valley leads over a sandy soil, and is not good; the grass is coarse, and the grazing but ordinary. The road crosses over a shallow ford to the island, and, passing through the villages of San Elizario, Socorro, and Isleta, recrosses to the main land at the upper ford, and continues thence to the intersection of the Santa Fe road at the rancho opposite El Paso—making the distance from San Antonio six hundred and seventy-three miles. The worst portions of the route are found on the San Pedro and up the valley of the Rio Grande.

The amount of labor required to open the road, and render it fit hereafter for military and commercial purposes, gave constant employment to a large working party during all the time we were on the march.

The long distance in advance that the engineers were obliged to make reconnaissances before determining the route from one point to another rendered their duties arduous.

It was not enough to know that a road could be made up one valley, or that a range of mountains could be passed, but it became necessary to explore the country further beyond, to definitive points, before the opening of the route. When the nature of the country is seen by those who may hereafter pass over the road, it may excite surprise; but it will not be that so practicable a route has been found, but rather that any was found at all.

The town of El Paso is wholly situated in Mexico—there being, excepting the villages on the island, but three houses on the American side.

Beginning at a point on the Rio Grande ten miles *above* the town, and following *down* the Santa Fe road on the left bank of the river, the continuous chains of high mountains on the left approach close to the river, and, rising on the opposite side, stretch off to the south. Through the spurs of these mountains the Rio Grande forces its way; and this is "El Paso" (the pass) of the river.

A few miles below this point, and near the town, the river has a fall of some twelve feet. The water from this elevation is conveyed in large "zequias," or ditches, for the purposes of irrigation.

Below the pass, and beyond the mountains, (approaching by the Santa Fe road,) the country opens into a broad plain, in which the *valley* of El Paso lies. The valley on the American side is narrow, if the island be excluded—the greater portion being on the opposite side, in which the *town* is situated.

The plaza and main buildings of El Paso are in the upper end; but the dwellings extend down the valley, forming a continuous village for about twelve miles. The houses are universally built of "adobes," and, with few exceptions, are but little better than mud hovels.

A garrison of two hundred men is stationed in the town; and the sentinels placed on the banks of the river are, to a certain extent, the guardians of the ford and the revenue.

The people for years have lived under the constant fear of the Indians, and not without cause; for the Apaches have committed repeated depredations in open daylight in the sight of the town. From this cause, and the miserable system of "peonage" that prevails, the products of agriculture are barely sufficient to support the inhabitants; and grain to supply the wants of emigrants, and for other purposes, has to be brought from Chihuahua.

Ex.—4

The grape is extensively cultivated on the irrigable lands, and in size and flavor is perhaps unequalled. The wine it yields, however, owing perhaps to the mode of manufacture or making, is rather indifferent. Some of the old wine is *said* to possess a fine flavor. Peaches, pears, and apricots are good. The apples are small, and very inferior in quality. Vegetation obtains an enormous growth. Cacti were found that measured six and a half feet in circumference.

Excellent stone for building is found in the hills close by. Saw-mills are now being erected in the Sacramento mountains, eighty miles distant, where timber is said to be found in great abundance.

In the plains near these mountains are extensive salt lakes, from which the State of Chihuahua draws its supplies. The testimony is concurrent in relation to the richness of the silver mines in the neighborhood; but the Indians have always prevented their being worked to any advantage.

The country around El Paso, excepting the bottom lands of the Rio Grande, is sandy, and covered with a dwarf growth of bushes. The large plains towards the east would afford a place for grazing cattle, were they secure from the Indians; and were water discovered in abundance, it might become a pastoral country.

The island is low and flat; the soil is rich and productive; and a system of irrigation is extended as far down as the settlements. Its population is estimated at two thousand.

The valley of the Rio Grande, in proper hands, is capable of supporting a large population; and, below the island, the larger portion is on the American side.

El Paso, from its geographical position, presents itself as a resting-place on one of the great overland routes between the seaports of the Atlantic on one side and those of the Pacific on the other.

Fourteen miles above, and our territory crosses to the opposite side of the Rio Grande; a little further to the north and west are the head-waters of the Gila: and should the route from El Paso to the seaboard on the west present no more difficulties than that from the east, there can easily be established between the Atlantic States and those that have so suddenly sprung into existence in the west—and which are destined to change, perhaps, the political institutions and commercial relations of half the world—a connexion that will strengthen the bonds of union by free and constant intercourse. The government has been a pioneer in the enterprise, and the little labor bestowed may not be lost to the public weal.

Table of distances, being accurate measurements made by the engineers, and generally indicating the points where water may be found.

	From point to point, or camp.	Distance from San Antonio.
From San Antonio—	Miles.	Miles.
To Castroville - - - - -	25.42	25.42
" Quihi - - - - -	10.00	35.42
" Vandenburg - - - - -	7.17	42.59
" Arroyo Hondo - - - - -	3.80	46.39
" Rio Seco - - - - -	8.98	55.37
" Rancheros creek - - - - -	8.38	63.75
" Sabinal - - - - -	3.94	67.69
" Comanche creek - - - - -	5.37	73.06
" Rio Frio - - - - -	8.50	81.56
" Head of Leona - - - - -	7.06	88.62
" Nueces - - - - -	9.04	97.66
" Turkey creek - - - - -	10.37	108.03
" Elm creek - - - - -	15.23	123.26
" Las Moras - - - - -	7.13	130.39
" Piedra Pinta - - - - -	7.46	137.85
" Zoquete creek - - - - -	9.02	146.87
" Arroyo Pedro - - - - -	3.81	150.68
" San Felipe - - - - -	8.98	159.66
" San Pedro - - - - -	10.70	170.36
" Painted caves - - - - -	2.54	172.90
" Pallos Blancos - - - - -	16.48	189.38
" Camp second, crossing San Pedro - - - - -	18.64	208.02
" Head running water in summer - - - - -	8.63	216.65
" Camp—leave river valley - - - - -	13.88	230.53
" Howard's springs - - - - -	41.21	271.24
" Live Oak creek - - - - -	32.40	304.14
" Ferry of Pecos - - - - -	7.88	312.02
" Camp above ferry - - - - -	12.59	324.61
" Second camp above ferry - - - - -	16.23	340.84
" Third camp above—leave Pecos - - - - -	7.74	348.58
" Escondido creek - - - - -	18.24	366.82
" Escondido springs - - - - -	8.58	375.40
" Comanche springs - - - - -	19.47	394.87
" Leon springs - - - - -	9.57	404.44
" Limpia - - - - -	37.00	441.44
" Entrance to pass - - - - -	6.97	448.41
" Camp in small valley - - - - -	4.50	452.91
" Painted camp - - - - -	14.08	466.99
" Smith's run - - - - -	26.33	493.32
" Springs - - - - -	9.00	502.32
" Rain Water creek - - - - -	17.82	520.14

Table of distances—Continued.

	From point to point, or camp.	Distance from San Antonio.
	Miles.	Miles.
To Water-holes - - - - -	18.77	538.91
" Eagle springs - - - - -	21.57	560.48
" Entrance to cañon - - - - -	22.61	583.09
" Rio Grande - - - - -	8.81	591.90
" Lower ford - - - - -	54.80	646.70
" San Elizario - - - - -	5.00	651.70
" Socorro - - - - -	5.45	656.15
" Isleta - - - - -	3.10	659.25
" Upper ford - - - - -	7.05	666.30
" Coon's hacienda - - - - -	7.09	673.39

It might be well to remark that, in all the streams between the San Antonio and the San Pedro, fish are abundant, and that in their vicinity deer and turkeys are found. The head-waters of the San Pedro are inhabited by beaver. Bear and peccary are also found in the same neighborhood; antelope on the other side of the Pecos.

Four different kinds of quails were killed: the common quail; the tufted quail, slightly ash-colored; the California quail, with a long plume from the top of its head; and another variety, with dark breast and black belly, the feathers on the breast having round white spots on them, and those on the back black spots—found principally on the rocky sides of the mountains.

This side of the Pecos, there is no difficulty in subsisting on game, if good hunters are with the parties.

In returning to San Antonio, we came by the Fredericksburg or upper route to the point where it crosses the Pecos.

Leaving El Paso, this road bears an easterly course for thirty miles to the Waco tanks. The road runs over a level plain, and is sandy and heavy.

The supply of water in these tanks depends on the rains. We did not find sufficient in them for a large train—scarcely enough for three hundred animals.

The passage of the Waco mountain is steep and difficult by the road that we made the descent. The next water of note is found at "Ojo de los Alamos," in small holes dug on the side of a granite mountain of rather difficult access. They will not contain a sufficient quantity for two thousand animals. Others could be sunk.

Distant from Waco tanks twenty-five miles, the grazing is fine; but there is no wood to be found for fuel, except small bushes. At Thorn's springs, about nine miles further on the road, water is found in abundance; but it has to be taken in buckets from a natural well in a cave

vaulted over with rocks. From the Waco mountain to the "Ojo del Cuerpo" the road is excellent. Here water in abundance is found; the grazing is good, but there is no wood. Numerous saline lakes are found on the plain.

From here the road runs over several small spurs of hills, and then enters a large ravine, intersected by numerous small ones, which render the travelling very rough and difficult.

At the head of the large ravine, the long ascent of the Guadalupe mountains commences. The road winds along its side for near half a mile before the plain above is reached. The ascent is so steep that the maximum load that can be drawn up may safely be stated not to exceed one-half that which can be transported on ordinary roads.

Water was found at the head of the ravine, and in a forest of pines six miles beyond, and again a few miles in advance.

The Guadalupe mountains rise abruptly from the plain near this point to their highest elevation, and, in an unbroken chain, stretch over the table land in a northeasterly direction, until the tops sink beneath the horizon in the distance.

From these mountains, one vast, irregular, and slightly-broken plain or "mésa" extends to the Pecos river, and thence beyond view towards the head-waters of the Colorado and Brazos rivers.

After striking the Pecos below Delaware creek, the route lies down the river to the "Horse-head crossing," a distance of over one hundred and seventy-five miles.

But few places can be found more solitary, or that present a more dreary appearance, than all this region of the Pecos. The only sign of life or moving thing is now and then a single deer, a few antelope, a flock of ducks circling over the lagoons, or a solitary crane winging his way up the course of the stream.

The numerous salt marshes through which the road runs were very miry, and the animals would sink down in the quicksand, unable to rise.

The streams that carry to the river the surcharged waters from the salt lakes on the plain were with difficulty passed; and it is from them that the water of the Pecos derives some of its saline and bitter properties.

The grass is coarse and salt, and wood for culinary purposes is with difficulty obtained.

The country on the left bank of the Pecos is a little more elevated than that over which we came, and appears free from marshes.

The country about the Horse-head crossing was very boggy. From there, striking out from the river to avoid the salt marshes, the return route joins the one over which we went to El Paso near the point where it turns off from the Pecos for Escondido springs. The time occupied in returning with a small train of about thirty-five wagons was forty-one days. The upper route from the Horse-head crossing on the Pecos continues, by way of the Concho and San Saba rivers, &c., to Fredericksburg, and from thence to the seaboard, either by San Antonio or Austin, and has been examined and surveyed by Lieutenant F. T. Bryan, Topographical Engineers. Such were the routes over which we travelled. But, in conclusion, it might be observed, that a road following up the level country that obtains between the Pecos and the Sierra Diablo range to the point where these mountains terminate in the plains to the north, and then striking over towards the Rio Grande, leaving the Guadalupe moun-

tains to the right, would avoid the passes of the one and the heights of the other, and run throughout its whole extent over a comparatively level country, favorable to transit by steam; but the difficulty of procuring running water at proper intervals would seem to render intercommunication impracticable by the ordinary means of travelling with wagon trains.

S. G. FRENCH,
Captain, and A. Q. M.

REPORT
OF
THE SECRETARY OF WAR,

COMMUNICATING

The report of Lieutenant J. H. Simpson of an expedition into the Navajo country in 1849; and, also, the report of Captain S. G. French relative to the road opened between San Antonio and El Paso del Norte.

JULY 6, 1850.

Read.

AUGUST 10, 1850.

Ordered to be printed with Ex. Doc. No. 64, and that 3,000 additional copies be printed, 300 of which are for the Topographical Bureau.

WAR DEPARTMENT, *Washington, July 3, 1850.*

SIR: I have the honor to transmit herewith copies of reports from Lieutenant J. H. Simpson, of the Corps of Topographical Engineers, and Captain S. G. French, of the Quartermaster's Department, with accompanying maps and sketches, in compliance with a resolution of the Senate of the 8th ultimo, requesting "copies of the journals of all reconnaissances returned to the Topographical Bureau by officers of the United States making such surveys within the last year, and not heretofore communicated, together with copies of the maps and sketches belonging to said reconnaissances; also, the report of Captain French, of the Quartermaster's Department, designating a route for a military road from San Antonio to El Paso."

Very respectfully, your obedient servant,

GEO. W. CRAWFORD,
Secretary of War.

HON. MILLARD FILLMORE,
President of the Senate.

BUREAU OF TOPOGRAPHICAL ENGINEERS,
Washington, July 2, 1850.

SIR: Under a resolution of the Senate of the 8th June, I have the honor to transmit the report and map of Lieutenant J. H. Simpson, Corps Topographical Engineers, of an expedition into the Navajo country in 1849. The resolution calls for all sketches and drawings belonging to reports.

In the present case there are seventy-five sketches and drawings of great interest, and highly necessary to illustrate the report. It has not been possible to have these copied in time, but, in the printing of the report, the engraver will be allowed access to the originals, from which he would rather engrave than from copies, and which course will also save time.

In the printing of the report, it is respectfully suggested that the printing of the map and sketches should be done under the superintendence of this office, from the belief that much time would be saved thereby.

Respectfully, sir, your obedient servant,

J. J. ABEBT,

Col. Corps Topographical Engineers.

HON. G. W. CRAWFORD,

Secretary of War.

Journal of a military reconnaissance from Santa Fe, New Mexico, to the Navajo country, made with the troops under the command of Brevet Lieutenant Colonel John M. Washington, chief of the 9th military department, and governor of New Mexico, in 1849, by James H. Simpson, A. M., First Lieutenant Corps of Topographical Engineers.

SANTA FE, N. M., April 11, 1850.

SIR: I have the honor to submit, hereto subjoined, my journal and map of a reconnaissance of the country traversed by the troops under the command of Brevet Lieutenant Colonel John M. Washington, chief of the 9th military department, and governor of New Mexico, in an expedition against the Navajo Indians, in the months of August and September of the year 1849.

In addition to the journal will be found a number of appendices, viz: "A," my report to Colonel Washington of a reconnaissance of the borders of the Navajo country, with a view to the establishment of a post; "B," a comparative vocabulary of the language of the Pueblo or *civilized* Indians of New Mexico, and of the *wild* tribes living upon its borders; "C," a letter from Assistant Surgeon John F. Hammond, of the army, giving a description of a room he saw among the ruins of *Pueblo Bonito*; "D," a schedule of minerals illustrative of the mineralogical and geological character of the country traversed; "E," a table of geographical positions; and "F," a table of astronomical observations, with the results of calculation.

I also submit a number of sketches illustrative of the personal, natural, and artificial objects met with on the route, including portraits of distinguished chiefs, costume, scenery, singular geological formations, petrifications, ruins, and *fac similis* of ancient inscriptions found engraven on the side walls of a rock of stupendous proportions, and of fair surface. For these truthful delineations, and the topographical sketches, I am indebted to my two assistants, Messrs. R. H. Kern and E. M. Kern, brothers—the former having furnished, with few exceptions, all the sketches of scenery, &c., and the latter the topography and other artistical work displayed upon the map. To both these gentlemen I tender my grateful acknowledgments for the kind, zealous, and effective manner in which they ever were found ready to co-operate with me in the discharge of my

duties; and I owe it to them also to state that, having left Washington the spring previous, with orders to return from Santa Fe as soon as practicable after my exploration of the Fort Smith route, I consequently came hither unprovided with the proper appliances necessary for the most successful exhibition of their skill and labor. This circumstance will explain the unfit character, in many instances, of the paper on which the sketches have been drawn, and which it required, even such as it is, the ransacking of almost every store in the place to sufficiently supply. But these gentlemen had learned what a practical acquaintance with life, in its more destitute forms, will always develop—a ready resort to, and application of, expedients; and this readiness was not without its value, under the destitution referred to.

I also submit an herbarium of plants, which I think will not be without interest, in its relation to the botanical character of the country passed through. For this collection I am indebted, upon my solicitation, to Assistant Surgeon John F. Hammond, who is entitled to all the credit for the zeal, industry, and labor which this department of research exhibits.

I also forward a box of minerals, the latter marked correspondingly with the numbers to be found on the margin of the schedule already referred to, as designated "D" in the appendix. A duplicate of the schedule will also be found in the box containing the minerals. These specimens, I trust, will not be without their value to the critical eye of a competent mineralogist and geologist, to whom I would be glad to have them referred. I would also respectfully request that a reference be made of the plants to an accomplished botanist, for his judgment and expression as to their true character, novelty, &c. It is to be regretted, however, that, in the absence of a barometer, or other proper instrument to determine the atmospheric elevation of the localities of the plants, their normal condition in respect to climate can only be approximately arrived at, under the hypothetical elevation assumed. The same want of precision, however, does not exist in respect to the position of their localities in reference to the earth's surface, it being stated absolutely in latitude and longitude.

The comparative vocabulary of the languages of the different Pueblo Indians in New Mexico, and of the wild tribes inhabiting its confines, although by no means complete, will not, I trust, be without its value in the investigations that are being made in our country in regard to the ethnological condition of the various tribes which inhabit our domain. I think, among inferences which may be drawn, the singular, and as I believe the hitherto unknown, certainly unpublished, fact is evolved, that, among the 10,000 (estimated) Pueblo Indians who inhabit New Mexico, as many as *six* distinct *dialects* obtain, no one showing anything more than the *faintest*, if any, indications of a cognate origin with the other. The vocabulary as distinctly shows the kindred character of the languages of the Navajos and of the Tiorillas branch of the Apache.*

* Gregg, in his "Commerce of the Prairies," vol. 1, p. 269, says: "There are but three or four different languages spoken among them, (he is speaking of the Pueblos of New Mexico,) and these, indeed, may be distinctly allied to each other."

The English author Ruxton, in his "Mexico and the Rocky Mountains," page 194, remarks: "The Indians of northern Mexico, including the Pueblos, belong to the same family—the Apache; from which branch the Navajos, Apaches, Coyoteros, Mescaleros, Mogieris, Yubipins, Mazecopas, Cherecaquis, Chemogorabas, Yurmarjars, (the last two tribes of the Moqui,) and the Nijoras, a small tribe on the Gila. All these speak dialects of the same language, more or less approximating to the Apache, and of all of which the idiomatic structure is the same. They

In regard to the geographical positions enumerated in appendix "E," which I determined in every instance by a series of astronomical observations, I do not claim for them that rigid approximation to the truth which a nice regard to the thermometrical and barometrical condition of the atmosphere, in the possession of the proper instruments, would have enabled me to arrive at; but I do claim for them, as they were in every instance referred chronometrically to the meridian of Santa Fe, and not to each other, and thus an accumulating error avoided, a degree of accuracy sufficiently high to subserve all the practical purposes for which the survey was made.

In regard to the map, it has been my aim to present on its face all the data necessary for a thorough knowledge of the country through which our route lay; and I think, with the information given in the table and note, no expedition can hereafter go over the same ground without being enabled to so prearrange its march as to make its progress comfortable and successful.

I cannot dismiss this introduction to my journal without acknowledging, as I now do, the important aid which I have received in the prosecution of my researches from the following-named gentlemen, who have assisted me in various ways, but chiefly by kindly interpreting for me, which their knowledge of the Spanish enabled them to do, whenever I found it necessary to call upon them: Chief Justice Joab Houghton; Señor Vigil, secretary of the province; Mr. Samuel Ellison, official translator in the State Department; Mr. James L. Collins, official interpreter to Colonel Washington on the expedition; Assistant Surgeons Lewis A. Edwards, Horace R. Wirtz, and John F. Hammond, of the army; and Captain Henry L. Dodge and Lieutenant Lorenzo Torres, of the Mexican volunteers.

I must also express my acknowledgments to Brevet Major Henry L. Kendrick, who daily furnished me with the distances from camp to camp indicated by the viameter which was attached to a wheel of one of his gun-carriages.

To the Topographical Department I must also express my obligations for the opportune receipt of the work entitled "A collection of tables and formulæ useful in geodesy and practical astronomy, by Captain Thomas I. Lee," of the corps, and which forms "No. 3" of the "papers relating to the duties of the Corps of Topographical Engineers." This work I found exceedingly useful in the solution of the astronomical problems and geodetic operations incidental to my duties; and, containing, as it does, *multum in parvo*, and that in a comprehensive as well as succinct form, I cannot but regard it, on account of the facilities which it affords for the prompt and scientific solution of the astronomical and geodetic questions

likewise all understand each other's tongue. What relation this language bears to the Mexican, is unknown, but my impression is, that it will be found to assimilate greatly, if not to be identical."

This sweeping declaration of Ruxton, grossly erroneous as it is, shows with what assiduous care travellers who profess to give to the public facts as they find them should distinguish between what they have derived second-hand, and which is, therefore, to be taken with proper distrust, and that which they have obtained directly at the fountain-head, which is alone to be received as philosophically satisfactory. I am the more surprised at the remarks of this author, as, from the title-page of his work, I notice that he, at the time he was making his investigations, was a member of an "ethnological society."

to which our duties are constantly giving rise, as a most valuable contribution to the corps.

J. H. SIMPSON,
First Lieut. Corps Top. Eng.

COLONEL JOHN J. ABERT,
Chief Corps of Top. Engineers, Washington, D. C.

JOURNAL.

Santa Fe, New Mexico, August 14, 1849.—To-day the following orders were issued from headquarters:

[ORDERS No. 32.] HEADQUARTERS 9TH MILITARY DEPARTMENT,
Santa Fe, New Mexico, August 14, 1849.

I. The colonel commanding intending to make a movement against the Navajo Indians, the following troops will rendezvous at Jemez, subject to further orders:

Four companies of the 3d infantry, under the command of Brevet Lieutenant Colonel Alexander, 3d infantry; two companies of the 2d artillery, under command of Brevet Major Kendrick, 2d artillery; Captain Ker's company, (K,) 2d dragoons; and Captain Chapman's mounted company of volunteers.

The infantry and artillery commands will move from Santa Fe on the morning of the 16th instant; and Captains Ker and Chapman will move with their companies and be at Jemez on the 19th instant. The artillery command will take one six-pounder gun and three mountain howitzers, in addition to their other guns.

II. The quartermaster's department will provide pack mules and packs for the transportation of the necessary baggage of the command, and for thirty days' rations for five hundred men; and the commissary department will furnish the necessary subsistence stores.

III. Lieutenant Simpson, Topographical Engineers, will accompany the expedition, making such a survey of the country as the movements of the troops will permit.

IV. Assistant Surgeon Hammond will leave the general hospital in charge of a citizen physician, until the return of Assistant Surgeon Edwards, and proceed with the command on the 16th instant.

By order of Lieutenant Colonel Washington:

JOHN H. DICKERSON,
Lieutenant, and A. A. A. General.

In consequence of said orders, all the departments of the service are busily engaged in preparing for the contemplated movement.

Santa Fe, August 15.—To day, in consequence of information having reached headquarters of the concentration of the Utahs near Albiquin, orders No. 32 have been so far modified that Captain Ker's company of dragoons, now stationed at Albuquerque, and Captain Chapman's company of mounted volunteers, now stationed at the Placer, instead of moving on Jemez, are to proceed to Albiquin, and, in conjunction with Major Grier's company of dragoons and Captain Valdez's company of

mounted volunteers, the whole under the command of Brevet Lieutenant Colonel Beall, effect, if possible, a peace with the Utahs in that quarter, or, failing in this, prosecute a war against them. Effecting a peace, Captains Ker and Chapman, with their companies, are to join the main command under Colonel Washington at Chelly. Not accomplishing a peace amicably, or by force of arms, Colonel Washington will, after accomplishing his objects with the Navajos, join the troops in the Utah country.

First camp, August 16.—The preparations being in a sufficient state of forwardness, the portion of the troops referred to in orders No. 32 stationed at Santa Fe took up the line of march this morning, their destination being Jemez, *via* Santo Domingo. These troops consist of two companies of the 2d artillery, ("B," commanded by Brevet Major John J. Peck; "D," by 2d Lieutenant J. H. Nones; the battalion by Brevet Major H. L. Kendrick,) and four companies of the 3d infantry, ("D," commanded by Brevet Captain George Sykes; "F," by 2d Lieutenant C. B. Brown; "G," by 2d Lieutenant Andrew Jackson; and "H," by first Lieutenant A. J. Williamson; the battalion by Brevet Lieutenant Colonel E. B. Alexander)—the whole aggregating (fifty-five of artillery, and one hundred and twenty of infantry) an effective force of one hundred and seventy-five men, under the command of Brevet Lieutenant Colonel John M. Washington, 3d artillery, commandant of the 6th military department, and governor of New Mexico. The officers of the staff are 1st Lieutenant J. H. Simpson, Corps Topographical Engineers; Brevet 1st Lieutenant James N. Ward, 3d infantry, acting assistant quartermaster and commissary; 2d Lieutenant John H. Dickerson, 1st artillery, acting assistant adjutant general; and Assistant Surgeon J. H. Hammond. Lieutenant Simpson has with him, to assist him in his duties, Mr. Edward M. Kern, of Philadelphia, and Mr. Thomas A. P. Champlin, of Buffalo. In addition to the officers mentioned, James S. Calhoun, esq., of Georgia, Indian agent, goes out with a small party of assistants to effect, in connexion with the colonel commanding, a proper treaty with the Navajos; and Mr. James L. Collins accompanies Colonel Washington, as Spanish interpreter.

Wagon transportation is furnished to the troops as far as Jemez, and then pack animals are to be resorted to.

The road taken by the artillery (see accompanying map, the red dotted line indicating the route pursued by the troops) was the usual one to Santo Domingo, *via* Agua Fria, (a small collection of *ranchos*—farms—six miles from Santa Fe,) and thence along the Rio de Santa Fe, on its east side, to Sienuilla, a distance of 16.02 miles, where they encamped. The general course was east of south.

The infantry and my own party, having taken a more eastern route—that usually travelled by wagons to Algodones—after having marched about the same distance, sixteen miles, are encamped two miles to the east of the artillery, on a small tributary of the Rio de Santa Fe.

The face of the country to-day has been generally level—a few *arroyos* (dry beds of streams) intersecting it at intervals, and the famous Placer or Gold mountain, and the Sandia mountain, with some intermediate conical mounds, forming, to our front, the chief features of the landscape. (See plate I.) Saving a very narrow and interrupted margin bordering the Rio de Santa Fe between Agua Fria and Santa Fe, and which was cultivated in corn, the country has exhibited one extended barren

waste, with nought to diversify it but a few dwarf or bush cedars, sparsely scattered.

At Sieneguilla—a village composed of one Roman Catholic church and a few scattered ranchos—good grass and water are found, and sufficient fuel.

At this place, Captain Ker, with his command, has also encamped, on his way to Albiquin. It was the intention of Colonel Washington, after reaching Santo Domingo, to make a night march upon the Utahs about Albiquin, and thus, effecting a junction with Lieutenant Colonel Beall's command, strike the enemy a blow when he might be least expecting it; but Captain Ker's force being unexpectedly in advance of such a movement, it is abandoned.

Second camp, August 17.—The infantry, as also my own party, joined the artillery, in the cañon of the Rio de Santa Fe, just after the latter had left their camp. The general course to-day was slightly south of west, the road threading the cañon* of the Rio de Santa Fe to its mouth, a distance of six miles; thence across the valley of the margin of the Rio Grande del Norte, seven miles, to the *Pueblo de Santo Domingo*; and thence by ford across the Rio Grande to our camping-ground, directly opposite Santo Domingo—the whole march having been 14.85 miles. Through the cañon, the road, on account of rocks and boulders, and for a mile and a half before reaching Santo Domingo, on account of sand hills, is rough; the remaining portion is level and good.

The cañon of the Rio de Santa Fe is quite interesting. Varying in depth from one hundred to one hundred and fifty feet, the Rio de Santa Fe trickling through it, its *mésa* (table) heights on either side are crowned by overlying basaltic trap. This trap shows eminently, in particular localities, the blackening, scoriaceous effect of fire; and in some places is to be seen underlying it an earthy formation of an ashy character, and in others a reddish porphyritic rock in beds slightly dipping towards the east. At the mouth of the cañon, on its north side, is a well-defined ash-colored formation of an argillo-silicious character, dispersed in layers, and presenting, with striking and pleasing effect, the appearance of the *facade* of a highly-finished piece of Grecian architecture. This object cannot fail to attract the notice of the traveller.

Debouching from the cañon, an extended plain—upon which I saw some fifty head of cattle grazing—stretches westward about six miles to the Rio Grande; the Jemez mountains appear on the further side of the river, quartering to your right; an extended *mésa* shows itself also beyond the river to your front; and the Sandia mountain lifts itself high and sublime to your left. Not a tree is to be seen until you can look down upon the Rio Grande, and then the cottonwood is noticed sparsely skirting its banks. The bed of the Rio Galisteo, which we crossed just before entering Santo Domingo, indicated only here and there that it was even moistened with water.

Santo Domingo, which lies directly on the Rio Grande, is a pueblo or Indian town, containing about eight hundred inhabitants. It is laid out in streets running perpendicularly to the Rio Grande. The houses are constructed of *adobes*, (blocks of mud, of greater or less dimensions, sun-dried;)

* The word cañon is most generally applied to a deep and narrow valley, enclosed on either side by escarpments. It sometimes, however, means a shallow valley.

are two stories in height, the upper one set retreatingly on the lower, so as to make the superior covering or ceiling of the lower answer for a terrace or platform for the upper; and have roofs which are nearly flat. These roofs are made first of transverse logs, which pitch very slightly outward, and are sustained at their ends by the side walls of the building; on these, a layer of slabs or brush are laid longitudinally; a layer of bark or straw is then laid on these; and covering the whole is a layer of mud of six or more inches in thickness. The height of the stories is about eight or nine feet. The lower stories have very small windows, and no doors; the lights of the windows, wherever there were any, being of selenite—the crystallized foliated form of gypsum. The mode of access to the building is by exterior ladders, which may be seen leaning against every house.

In the west end of the town is an *estufa*, or public building in which the people hold their religious and political meetings. The structure, which is built of *adobes*, is circular in plan, about nine feet in elevation, and thirty-five feet in diameter, and, with no doors or windows laterally, has a small trap-door in the terrace or flat roof by which admission is gained. Directly below the opening, and detached from the wall, is a fire-place, in plan thus,



its height being about three feet—the opening referred to serving as a vent to the smoke.

The men, I notice, wear generally nothing but a shirt and a breech-cloth; the women, a dark-colored blanket, covering one shoulder, and drawn under the other, a girdle confining the blanket about the waist, and the arms being left free and bare. This appears to be their *ordinary summer dress*. The children run naked.

At the house of the governor, I noticed a woman, probably his wife, going through the process of baking a very thin spieces of corn cake, called, according to Gregg, *guayave*. She was hovering over a fire, upon which lay a flat stone. Near her was a bowl of thin corn paste, into which she thrust her fingers; allowing then the paste to drip sparingly upon the stone, with two or three wipes from the palm of her hand she would spread it entirely and uniformly over the stone; this was no sooner done than she peeled it off, as fit for use; and the process was again and again repeated, until a sufficient quantity was obtained—the necessarily rapid character of the process causing the perspiration to roll from her face in streams. The woman, noticing the interest I took in the operation, handed me a sheet of the food to eat. Like the Mexican *tortilla*, although I was excessively hungry, it did not fail to leave at the stomach a slight sensation of nausea. When folded and rolled together, it does not look unlike (particularly that made from the blue corn) a "hornet's nest"—a name by which it is sometimes called.

The Rio Grande, at the ford, is about three hundred yards wide, is between three and four feet deep, and is full of bars. Its bottom, in spots, is of quicksand character—two of the wagons stalling on this account.

The soil to day, excepting a very limited area upon the Rio Santa Fe, at Sienequilla, and for a breadth of about a mile along the Rio Grande, is probably worthless for cultivation, and of but very slight, if of any, value for grazing purposes.

Our camping-ground, which is near some cornfields, is a fine one—the Rio Grande, besides furnishing us with water to drink, affording us a refreshing bath; and the grass in the vicinity being good, and wood sufficiently near.

A series of astronomical observations make the latitude of this camp $35^{\circ} 30' 56''$; its longitude, $106^{\circ} 29' 45''$.

Third camp, Jemez, August 18.—Not being able last evening, on account of the strong wind, to get satisfactory astronomical observations, I obtained some this morning, before daylight.

Our route to-day, to Jemez, a distance of 26.60 miles, was generally in a northwesterly direction, and, besides being exceedingly heavy on account of sand, and rough and uneven on account of sand hills and *arroyos*, did not furnish us a drop of water throughout its whole extent.

For the first nine miles, it was up a heavy sandy *arroyo*, at the fourth mile of which there was a short steep hill to ascend, and at the ninth a rather long and steep one—which surmounted, brought us to a piece of table land of about three miles in breadth, whence could be seen, almost due west, about thirty five miles off, the remarkable peak called *Cerro de la Cabeza*. This table land traversed, we reached the brow of the valley of the Rio de Jemez, whence, looking down upon and across the valley, a confused mass of sedimentary hills and *mésa* heights appeared to sight—the escarpment walls of the *mésa* being generally of a well-defined stratified character, and of sensible dip towards the south. To our right, and on our side of the Rio de Jemez, were *mésa* heights, crowned with basaltic trap, apparantly fifty feet thick. From the brow of the valley down to the Rio de Jemez, the road is very heavy and rough, on account of sand hills and *arroyos*.

Four miles from our last camp, I noticed on the route an outcrop of silicious limestone, containing, sparsely, some particles of felspar. Near this spot, observing a plateau or *mésa* from two hundred to three hundred feet high, which promised a fine view of the country we had been traversing, I ascended it, to scan the landscape. As I anticipated, a noble view extended itself before me. There lay, far off towards the northeast, the Santa Fe mountains; to the southeast, the Placer mountain and Sandia mountain; intervening between them, and just discoverable, lying beyond the gleaming waters of the Rio Grande, the little town of Santo Domingo; to the north and northwest, stretching far away, were the Jemez mountains; to the south, *mésa* formations, crowned with basaltic trap; and everywhere else, sparsely scattered over mountain and plain, the dwarf cedar.

The Pueblo of Jemez, as its prefix indicates, is an *Indian* town of probably between four and five hundred inhabitants, and, like the Pueblo of Santo Domingo, is built upon two or three parallel streets, the houses being of adobe construction, and having second stories disposed retreatingly on the first, to which access is had by ladders. I notice here, on the outskirts of the village, the usual accompaniment of Mexican and pueblo towns, the ragged-looking picketed goat enclosure—it giving to the suburbs an unsightly appearance. About the premises are probably a dozen of acres covered with apricot and peach trees. An infantry com-

pany of Mexican volunteers, under command of Captain Henry L. Dodge, is stationed at this place. A sketch of the pueblo and some curious-shaped sandstone hills in the vicinity is given in plate 4.

The Rio de Jemez, upon which the pueblo lies, is an affluent of the Rio Grande, varies from thirty to fifty feet in breadth, is of a rapid current, and tends southwardly. Its bed is a commixture of red sand and gravel. Patches of good corn and wheat skirt it here and there along its banks; and the extent of cultivable land bordering it may be estimated at about a mile in breadth. Its waters are palatable; good grass is found along it, and wood exists in the vicinity. Our encamping-ground, which is just to the north of the town, has, therefore, all the requisites to make it a good one.

The soil along the route to-day, excepting the narrow margin along the Rio de Jemez already mentioned, is utterly worthless for cultivation.

The latitude of this camp, by astronomical observation, is $35^{\circ} 36' 7''$; its longitude, $106^{\circ} 51' 15''$.

Third camp, Jemez, August 19.—The wagon attached to headquarters breaking down yesterday, on account of the rough state of the road, it did not reach us early enough in the evening to have our tents pitched. The consequence was, that the colonel commanding and his staff bivouacked for the night—a change which we found quite agreeable.

The troops will remain here for a day or two, until the assistant quartermaster, Captain Brent, can perfect his arrangements for a change from wagon to pack-mule transportation, and also for the purpose of giving time for the concentration of the Pueblo and Mexican force, which is to join us at this point.

This afternoon, a dance—called, in the language of the Jemez Indians, *Lou-pel-lay*, or the green-corn dance—having been reported as being about to be enacted in the village, several persons from camp, (among them my assistant, Mr. E. M. Kern, from whom I get my information,) went down to witness it. In order the better to see the performance, they took a position on one of the houses in the principal streets. (See plate No. 6.) When the performers first appeared, all of whom were men, they came in a line, slowly walking, and bending and stooping as they approached. They were dressed in a kirt of blanket, the upper portion of their bodies being naked, and painted dark red. Their legs and arms, which were also bare, were variously striped with red, white, and blue colors; and around their arms, above the elbow, they wore a green band, decked with sprigs of *piñon*. A necklace of the same description was worn around the neck. Their heads were decorated with feathers. In one hand they carried a dry gourd, containing some grains of corn, with which they produced a rattling kind of music; in the other, a string, from which were hung several *tortillas*. At the knee were fastened small shells of the ground turtle and antelope's feet; and dangling from the back, at the waist, depended a fox skin. The musicians were habited in the common costume of the village, and made their music in a sitting posture. Their instruments consisted, each, of half a gourd, placed before them, with the convex side up; upon this they placed, with the left hand, a smooth stick, and with their right drew forward and backwards upon it, in a sawing manner, a notched one. This produced a sound much like that of grinding corn upon a *matate*, (a slightly concave stone.)

The movements in the dance differed but slightly from those of Indians generally.

The party were accompanied by three elders of the town, whose business it was to make a short speech in front of the different houses, and, at particular times, join in the singing of the rest of the party. Thus they went from house to house singing and dancing, the occupants of each awaiting their arrival in front of their respective dwellings.

My second assistant, Mr. R. H. Kern, brother to my first assistant, Mr. E. M. Kern, joined me, from Taos, this afternoon.

Third camp, Jemez, August 20.—During the past night, we had an unusually heavy rain, attended with sharp thunder and lightning.

This morning, after breakfast, Major Kendrick, Assistant Surgeons Edwards and Hammond, Mr. E. M. Kern, and myself left camp for *Los Ojos Calientes*, (the Hot springs,) said to be twelve miles above, in the valley of the Rio de Jemez. The lieutenant governor of Jemez accompanied us as guide. Our course, which lay directly up the valley called the Cañon of San Diego, was slightly east of north. Soon after leaving camp, we passed some red-colored argillaceous rocks, well stratified, the dip of stratification on either side being anticlinal, and the gorge which we threaded being coincident with the line of strike. An upheave, therefore, must, in all probability, have taken place, the resulting force of which was doubtless normal to the line of strike. A sinking of the two series of stratification at the foot of their respective slopes could indeed have caused the like effect; but, the first mode of accounting for the phenomenon being the simplest, it is most reasonable to suppose it to have occurred.

Two miles from camp, we came to a Mexican settlement, which continued sparsely scattered along the river for about five miles. The most populous portion of it, called *Cañoncito*, we found to be about three miles from camp, at the mouth of the *Cañon de Guadalupe*. Here I saw, within a hundred yards of the village, a small gray wolf shying off very reluctantly from us.

For a distance of six or seven miles, the bottom of the Cañon de San Diego is pretty well cultivated—corn, wheat, and peppers being the chief product of the soil: the corn, which looked well, greatly predominated.

Beyond the settlements, the ruins of old *adobe* buildings were ever and anon to be seen, which, according to our guide, were once inhabited by Mexicans, who had deserted them from fear of the Navajos.

Nine miles up the *cañon* we found an old copper-smelting furnace, which looked as if it had been abandoned for some considerable period. It is quite small, is built of stone, and has arched ovens traversing each other at right angles, each oven being furnished with a stone grating. We picked up some fragments of copper ore (probably green malachite) which lay scattered around.

Twelve miles from Jemez, we came to *Los Ojos Calientes*. Here, desiring to make some examinations, and it being our purpose to regale ourselves with the eatables we had brought with us, we unsaddled our horses and turned them loose to graze.

On examination, we found the springs to be situated within the compass of a few feet of each other, some of them boiling up immediately from the bed of a small bifurcated branch of the Rio de Jemez. The principal one, which is in the branch mentioned, issues from a small knoll or heap of boulder stones, which seem to partake both of a calcareous and

basaltic character, the vent not being more than a foot above the bed from which it springs. The volume of water which issues from it may be estimated at about a gallon and a half per minute. This spring, as well as all the other principal ones, shows a limited accumulation of a crystalline deposit about its mouth, which, on account of its fine-grained character and hardness, may probably come under the head of travertine. The complexion of the deposit is white, with a shade of greenish yellow.

We put into the jagged cup or bowl of the fountain some eggs and raw venison, both of which were cooked in about twenty minutes. The time required to do this would doubtless have been much less had the bowl been sufficiently concave to have admitted a more perfect immersion of the articles, and the fixture of a cover, by which the heat lost through evaporation could have been retained. As it was, upon an immersion by Major Kendrick of a thermometer, Dr. Edwards assisting him, the highest point to which the mercury would rise was 169° .

These springs are said, in diseases of a cutaneous or rheumatic kind, to possess powers of a highly curative character; and it is doubtless on this account that the arbors which we noticed near the main springs are placed over some basins, scooped out from the ground, into which the hot water finds its way. A view of these springs, with their accessory scenery, and among it the tower of a distant ruined church, may be seen in plate 14.

Observing, about a third of a mile above the springs, the ruins just mentioned, we saddled up for the purpose of visiting them. On reaching the spot, we found them to be the remains of an old Roman Catholic church, in dimensions about fifty feet front by one hundred and twenty deep. The tower, which was octagonal in form, and which rose up from the middle of the rear end of the building, was still standing, as were also the greater portion of the walls of the main building. The height of the tower I estimated at thirty feet. The thickness of the walls of the main edifice at base measured six feet. A good view of these ruins may be seen in plate 15.

It getting late, we were obliged to hasten our return to camp—a drenching rain, which had in the mean time sprung up, adding not a little to our alacrity. A spring, however, which we unexpectedly met with on our route, tempting us by its cool appearance, we could not resist the desire to alight and try its waters, which we found not less grateful than they were unexpected.

The cottonwood, the cedar, and pine, the latter of dwarfish growth, and all rather sparsely scattered, constitute the *sylva* of the valley. The wild currant we found growing in great luxuriance and perfection about the old church.

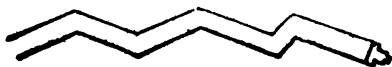
Third camp, Jemez, August 21.—This afternoon, Captain Dodge, the brothers Kern, and myself visited the Roman Catholic church of the village—the governor of the town, Hosta, procuring for us the keys, and acting as *cicerone*. The church, an adobe structure, some one hundred by twenty-eight feet in plan, appeared very old, and was evidently wasting away under the combined influence of neglect and moisture. The swallows, as is to be noticed in the Roman Catholic church at Santa Fe, seemed to be perfectly at home within it, and now, as in the church mentioned, brought home to me the appositeness of those beautiful remarks of the sweet psalmist of Israel to be found in Psalms, 84th, 3d. A pilas-

ter and arch arrangement, with crosses at intervals, characterized the side walls; and a number of paintings, all daubs, excepting the central one, the wall back of the chancel. Hosta informed us that this central piece was a representation of San Diego bearing the cross. At present it is considerably defaced, but the touches of a genuine artist are yet visible upon it. None but a true son of the muse could have thrown into the countenance the expression of beautiful sadness with which it is radiant. In addition to the objects of garniture already mentioned, I noticed upon a projecting piece of the side pulpit a human skull and some bones, and in a side room, to which I could only peep in, some images and pictures.

Finishing our examination at the church, we visited the *estuffas* of the town, of which there are two. Both are one story high, and, like the one noticed at Santo Domingo, have no doors or windows laterally, and are only accessible from above, through the flat roof. They differ from it, however, in being rectangular—the one we measured being twenty by twenty-seven feet in the clear, and seven and a half feet high. On the walls were representations of plants, birds, and animals—the turkey, the deer, the wolf, the fox, and the dog, being plainly depicted; none of them, however, approaching to exactness, except the deer, the outline of which showed certainly a good eye for proportions. For an exact picture of these, both as regards details of form and color, and also as respects the dingy, smoky complexion of the walls upon which they are painted, I refer the reader to plates 7, 8, 9, 10, and 11.

Upon questioning Hosta in relation to the object of these *estuffas*, he informed us that they were after the custom of Montezuma, and for that reason they were not allowed to give them up. He also called them the churches of Montezuma. In the spring, he says, they go there to chant to him to send them rain; and in the fall they sing to him to obtain any good thing they may want. He further remarked—(and I give what follows to show the superstition of these people, for he narrated it as if he thought it might be true)—he further remarked, there was a tradition among his people, that Montezuma, whenever in his travels he stopped for the night, would make a house in one hour; and that he would plant corn one night, and the next morning it would be fit to be plucked. He went on further to inform us that they worshipped the sun, moon, and fire. The moon he called the captain of the night. The sun, however, when he rises, he remarked, puts away all the children of the night, and therefore he is the great captain.

To the question of the object of the paintings upon the walls of the *estuffa*, he said they were *por bonito*, (for ornament.) The circles represent the sun and moon; the semicircles, clouds; and the barbed, zigzag line, the forked, destructive lightning. The emblem of good lightning he represented in pencil upon my note-book as terminating more bluntly, thus:



The two human figures with trumpets to their mouths, which may be seen illustrated in plate 9, he represents as the adjutants of Montezuma, who are sounding a call to him for rain.

Before the conquest, he says, according to tradition, the Jemez Indians

were fighting with all the other tribes—those of San Felipe, Santa Anna, and Santo Domingo. At length a Spanish priest appeared among them very mysteriously. This priest, whenever he celebrated mass, made it a condition of his acceptance of them that they should every previous Saturday bring him wood. And it was his habit, whenever he wanted anything, such as skins or blankets, to take them. The people at length, getting enraged at such treatment, determined to kill him. He, hearing of it, however, disappeared as mysteriously as he had come. They then looked for his tracks; but, the snow having covered them up, they concluded he must have gone down the *Ojo Caliente!* (one of the hot springs I have already described.)

He further told us, that, when living upon the *mésa* between the cañons of Guadalupe and San Diego, there came another *padre* among them, whom, whilst on his way to receive the confessions of a sick man, they killed. That, upon another occasion, whilst engaged in their dances, they were told that the Spaniards were below; but they did not believe it, and continued dancing. The consequence was, that, one night, after a dance, and when they had retired for the night, the Spaniards came upon them with all their force, and they, having nothing but their arrows and knives to defend themselves with, closed in with one another, and began to throw each other over the precipice of the *mésa*. Just at this time, there appeared in the direction of the Cañon de Guadalupe *Nuestra Señora de Guadalupe*, (our Lady of Guadalupe,) and in the direction of the Cañon de San Diego the saint of that name! The Indians, noticing this, fled—some to Sandia, some to Isleta, and some settling here at Jemez. All, however, have since come to live at the last-mentioned place.

The *Pecos* Indians, he went on further to inform us, were the only people that speak the same language they do; that, during one of the revolutions of the country, when he was quite a youth, this tribe, being very much harassed by the Spaniards, (Mexicans,) asked permission of the people of Jemez to come and live among them. They not only granted them permission to do this, but sent out persons to help them get in their crops, and bring them and their property to their new abode. When they arrived, they gave them houses and fields. The old man and his daughter, who at the time were tending the sacred fire at Pecos, the enemy, he says, seized and beat—the daughter at length being carried away captive, and the old man escaping by the way of Galisteo to Jemez. This was the reason of the fire of Montezuma ceasing. He went on to state that the Pecos and Jemez Indians, though they speak the same language, differ somewhat in their religious customs. In relation, however, to Montezuma, the different Pueblo Indians, although speaking different languages, have the same belief. Yesterday, in getting some information from a Jemez Indian, I asked him whether they now looked upon God and the sun as the same being. He said they did. The question was then put, whether they still worshipped the sun, as God, with contrition of heart. His reply was, "Why not? He governs the world!" From this Indian I also learned that they worship the sun with most pleasure in the morning, and that they have priests to administer their own religion, which they like better than the Roman Catholic, which he says has been forced upon them, and which they do not understand. He said they were all the children of Montezuma, and a tradition had been current among them that they were to be delivered by a people who would

come from the east; that, in consequence of the good treatment they were receiving from the Americans, they were beginning to believe that that people had come; that General Kearny had told them they would believe this more and more, because they would continue to be treated well by the Americans, and they were finding it so.

From Hosta I learn there are now living among his people only fifteen Pecos Indians, seven being male adults, seven female, and one a little girl. One Pecos male adult, he says, is living at Cuesta, one at Santo Domingo, and one in the Cañon of Pecos. These eighteen, he states, are all that are now living of this people.

For a portrait of Hosta, in his war costume, as also of his wife, in her best attire, with some of the accessories characteristic of their mode of life, I would refer the reader to plates 4 and 5. Hosta is one of the finest looking and most intelligent Pueblo Indians I have seen, and, on account of his vivacity and off-hand graciousness, is quite a favorite among us. A profile sketch of *Wash-u-hos-te*, a Pecos Indian, will also be seen in plate 12.

Fourth camp, August 22.—The arrangement for transportation by pack mules being complete, and the Pueblo levies, 55 in number, having joined us, the command also having been increased by Captain Dodge's company of Mexican volunteer infantry,* the whole force took up its line of march to-day for the *Cañon of Chelly*.† At the same time, Brevet Lieutenant Colonel Alexander, on account of indisposition, and Assistant Quartermaster Brent and Assistant Surgeon Edwards, on account of the theatre of their duties being at that post, returned to Santa Fe. Our route lay directly down the valley of the Rio de Jemez, the stream of which we crossed just above San Ysidro, a small Mexican settlement about three miles below Jemez. Three miles more brought us to our present camping-ground, where we find good water, tolerable pasturage, and wood in the vicinity. The valley, as far as San Ysidro, is hemmed in by secondary mountains, and within this extent is but slightly cultivated.

At San Ysidro I called to see Señor Francisco Sandoval, the proprietor of the copper furnace we saw two days since up the Cañon de San Diego. He informs me that the mine near this furnace was worked until about three years since; that one man could get from it ten arrobas‡ of rich ore per day, and that gold was found in association with it. He further stated that he had now *cached* (buried) near the furnace twenty-three *arrobas* of pure copper.

Several times to day, on the march, a beautiful humming-bird, the first I have seen since I left the States, has been hovering about me. The last time it paid me a visit, I was seated under a tent, where it lit for a moment within a foot or two of my person, and then disappeared, not to be seen again.

The length of the march to day has been only 5.78 miles—it having been deemed prudent, on the first day's trial with the packs, to go but a short distance.

Fifth camp, August 23.—The troops decamped at 8 o'clock this morning—a Mexican, by name Carravahal, whose residence is at *San Ysidro*,

* Lieutenant Lorenzo Torres, a subaltern of the company, accompanied the expedition.

† The orthography of this word I get from Señor Donaciano Vigil, secretary of the province, who informs me that it is of Indian origin. Its pronunciation is chay-e.

‡ An arroba is a weight of 25 pounds.

accompanying them as guide. Our course lay generally for the day north of west, and for the first 14 miles directly up the Cañon de Peñasca—low mountains of a ridgy, primary character skirting it on the right, and mesa heights, of some 300 or 400 feet elevation, bordering it on the left. The formation of these latter is generally an ash-colored sandstone, alternating with a red argillaceous friable rock. A mile further, and we were upon the high land dividing the waters of the *Rio de Jemez* from those of the *Rio Puerco*—an extensive prospect of the valley of the latter, with the accessories of some high isolated mountain peaks, bursting unexpectedly upon us from this point. Among the peaks are to be noticed the *Cerro de la Cabeza*, the summit of which was an object of interest on our march from the *Rio Grande* to *Jemez*. This head mountain, I perceived, resembled very much in contour, though much higher, *Cerro Tucumcari*, a prominent landmark about 160 miles east of the *Rio Grande*, on the *Fort Smith* route. This mountain I described in my report of that route as resembling very much in shape the dome of the Capitol at Washington; and *Cerro de la Cabeza*, though not so good a representation, yet cannot fail to suggest to the traveller a like resemblance.

The top of the high land referred to being reached, the road commences descending towards the *Rio Puerco*, two miles further bringing us to the *Rio de Chacoli*, a small affluent of the *Puerco*, upon which we are encamped.

Two miles from our last camp, and directly on the route, are several springs of a mineral character, the taste of the water sensibly indicating the presence of soda, (probably sulphate of soda,) nitre, and some ferruginous matter. One of these springs has made for itself a basin of an elliptical shape, which is several feet in diameter, and raised about three feet above the argillaceous soil from which it flows. The incrustation about the mouth of the spring appears to be of a calcareous character, and colored with iron. These springs, on account of my having left the road to examine a geological formation, I did not see; and for the information I have given I am indebted to Majors Kendrick and Peck.

In the vicinity of the springs, cropping out from the base of the mesa, forming the south wall of the cañon, I noticed large beds of earthy gypsum and sulphate of lime; and constituting the superior strata of the mesa was a formation, some eighty feet thick, composed of an alternation of crystallized fibrous gypsum and thin layers of argillaceous shale. At the foot of the escarpment, I picked up what appeared to be, from its taste and appearance, common salt, (chloride of sodium.) I afterwards noticed, four miles further on the route, another bed of gypsum.

About nine miles from our last camp, in the cañon, thrown together promiscuously, are some huge specimens of conglomerate boulders, one of them in magnitude probably not being short of twenty-five by twenty-five feet, or containing over fifteen thousand cubic feet. And near our present camp, there is to be seen cropping out of a side hill a red argillaceous rock, in appearance very much like that from which the Indians living on the head-waters of the Mississippi make their pipes.

It is observable that the overlying basaltic formation which I have already, in my journal, noticed as beginning at *Sieneguilla*, on the *Rio de Santa Fe*, and extending westward as far as the valley of the *Rio de Jemez*, has not been seen to-day on either side of the route. The valley, then,

of the Rio de Jemez may be considered as the limit of this formation westward.

The march to-day has been 16.27 miles. The first half of the road was tolerably good; the last half, very rough—the tongue of the six-pounder's limber having been broken on account of it. Not a particle of cultivable soil did we meet with until we reached the valley of the Rio de Chacoli, where we find it rich and mellow. The *sylva* has been generally the dwarf cedar, sparsely scattered; and some pines were observable on the last portion of the route.

Our camping-ground furnished good grazing, tolerable water, and a sufficiency of wood. The water, however, cannot be depended upon, except in the wet season.

There have joined us to-day some eighty Mexican mounted militia. Our force, then, as now constituted, consists of fifty-five men of the regular artillery, one hundred and twenty of the regular infantry, fifty of Mexican volunteer infantry, fifty-five of Pueblo or Indian mounted militia, and eighty of Mexican mounted militia—in all aggregating, with the *employés* of the quartermaster's and subsistence departments, about four hundred men. The longitude of this camp, by observation, is $107^{\circ} 3' 15''$.

Sixth camp, August 24.—We had some fine showers of rain last evening and during the night.

Seven men belonging to the Mexican mounted militia are reported to have deserted last evening.

The troops resumed the march at 8 a. m.—our course for the day being generally northwest. One and a half miles from camp, we crossed the *Rio de Chacoli*, a running stream, four feet in breadth and a few inches in depth, with banks six feet high, which had to be cut down to give passage to the artillery. This creek traversed, the route lay up a very shallow valley for about three and a half miles, when we got on the brow of the immediate valley of the Rio Puerco—this valley being hemmed in on its west side by heights, with tableau tops, and precipitous escarpment walls. The Rio Puerco, as far as visible, runs a course west of south, and is slightly fringed with the cottonwood. Cerro de la Cabeza and other mountain peaks to the south and west show well from this point. Close by the route, on its right, just before reaching the bed of the Puerco, is an old circular stone *corral* (enclosure) about thirty feet in width, and three in height, laid in mud mortar.

The Rio Puerco, which, from its great length upon the maps, we had conjectured to be a flowing stream of some importance, we found to contain water only here and there, in pools—the fluid being of a greenish, sickening color, and brackish to the taste. The width of its bottom, which is a commixture of clay and gravel, is about one hundred feet. Its banks, between twenty and thirty feet high, are vertical, and had to be graded down to allow the artillery and pack animals to cross them. The six-pounder had to be unlimbered and dragged up on the west side by men at the prolongas. A mule, with one of the howitzers packed on his back, in attempting to traverse the bed of the river, lost his footing and capsized—the howitzer, on account of its great weight, naturally seeking the lowest place, and the legs of the poor animal correspondingly tending upwards. The sight, it may well be conceived, partook both of the painful and the ludicrous.

The valley of the *Rio de Chacoli* and that of the Puerco, both of which,

on account of the slight elevation of the dividing ridge, may be considered as but one, and which embraces a breadth of about six miles, is, to all appearances, quite a rich body of land, and, if not ordinarily too dry, must be susceptible of productive cultivation. It differs from the other cultivated soil we have passed over, in being argillaceous, instead of felspathic.

A mile beyond the Rio Puerco, we entered the Cañon de la Copa, (Cup Cañon,) so called on account of the cup or vase-like appearance of some of the sandstone rocks forming its walls. (See sketch in plate 6.) In the left-hand or south escarpment wall of the cañon may be seen some well-defined and beautiful stratification, its dip being slightly *from* the valley of the Puerco, or westward. The breadth of the cañon is about one hundred and fifty yards. Among the escarpment rocks I noticed some seams of a perfectly white saline pulverulent substance, which, from its taste, I should judge to be soda. We also found, in the same locality, in some crevices, and also attached to the rock, a dark pitchy substance, agglutinated with the excrement of birds, and of animals of the rat species.

Near these rocks are several deep and narrow *arroyos*, which required to be worked to make them practicable for the passage of the artillery.

About half a mile further, just as we emerged from the cañon, noticing on the right of the road what appeared to be bituminous coal, I examined it, and found it to be veritably such, though of an impure, slaty character. It exists in beds a foot thick, which are, in some instances, overlaid by yellowish sandstone, and then again by calcareous rock. I noticed, in some instances, superposing the coal, loose, disintegrated masses or fragments of what appeared to be a species of jasper, the evidences of igneous influence being quite apparent from its baked and blackened aspect. The coal, when fractured, occasionally discovers resinous particles of a beautiful iridescent character, the reflections being those of the garnet.

Getting out of the *Cañon de la Copa*, the country becomes very much broken by low hills of a mound or *mésa* shape, some of them, on account of the symmetry of their form, creating a degree of interest.

From twelve to fifteen miles off, on our left, have appeared, all day, a chain of pretty high mountains, some of them ridgy, and some of *mésa* shape.

After a march of 13.27 miles, falling upon an insignificant tributary of the Rio Puerco, which drains the valley called *Canada de Piedra de Lumbre*, we have encamped—the pasturage about our camp being but tolerable, the water (of a high clay color) barely endurable, and fuel being found in the vicinity. The water, however, can only be depended upon during the wet season.

The face of the country to day, as usual, has presented pine and cedar, of a dwarf growth, very thinly scattered; and the *artemisia* has been seen everywhere. The soil, excepting the valley of the Rio Puerco, for purposes of cultivation, may be considered as worthless. Astronomical observations put this camp in latitude 35° 46' 13".

Seventh camp, August 25.—Three more of the Mexican mounted militia are reported to have deserted yesterday.

The troops took up the line of march at 7 a. m. Our general course for the day has been about northwest. At the start our route lay through a shallow valley—a succession of them, bounded by tableau or rounded hills, crossing each other in every direction, and causing the country to have a broken appearance. A mile or two from camp, looking back, an

imposing view of *Cerro de la Cabeza* presented itself to us. There was nothing about it to detract from its towering sublimity; and as the morning sun threw its golden light upon its eastern slope, leaving all the other portions in a softened twilight shade, I thought I had never seen anything more beautiful, and at the same time grand. (See plate 17.)

Four miles on the route, to the left of the road, upon a little hillock, another and more extensive view of the country bursts upon you. To the south, some twenty miles off, lay an extensive range of mountains, of a *mésa* and ridgy character; intermingled with these, and diversifying the scene, were *Cerro de la Cabeza* and half a dozen other peaks, one of them quite sharp; to the east and northeast were still to be seen, stretching from north to south, from forty to fifty miles off, the Jemez mountains; and everywhere else a broken country, made up of low swelling hills, isolated cones, and *mésa* heights, sprinkled with pine and cedar of a scrub growth, and with the *artemisia*, in connexion with an everywhere-prevailing dirty yellowish arenaceous soil, completed the picture.

As we proceeded on, the country stretched out more prairie-like and rolling, furnishing an extensive range of view on every hand. Six miles from our last camp, we met some very dirty, clay-colored water, in pools, the permanency of which, however, cannot be depended on. A mile and a half further, we traversed about one-third of a mile of what appeared to be good argillaceous soil. Four miles from this, a very beautifully-shaped tableau mound appears, ranging directly in front of our course. After a march of thirteen and a half miles, coming upon an arroyo containing some water of a highly-charged clay character, as scanty in quantity as unpalatable to the taste; and, the guide who had been sent in advance not returning in time to give the colonel commanding the information needed in respect to water to make it prudent for him to go any further for the day, the order was given to encamp.

The valley through which the *arroyo* runs is called the *Cañon de Tbr-rijon*; and I notice a few cottonwoods skirting the *arroyo*. The pasturage about camp is but tolerable.

The soil to-day, excepting the very narrow belt already alluded to, is worthless. The road was pretty good.

About sundown, Major Kendrick and myself took a stroll about a mile from camp, in a northwest course, to a tableau mound, where we found, horizontally disposed, an outcrop of bituminous coal, of an indifferent character, on account of earthy admixtures. Sandstone both over and underlies it. We also saw an alternation of thin layers of fibrous gypsum and of arenaceous rock overlying it in places.

The latitude of this camp, by astronomical observations, is $35^{\circ} 50' 31''$; its longitude, $107^{\circ} 23' 45''$.

Eighth camp, August 26.—The nights and mornings at the last two camps have been quite cold. This is doubtless owing to our great elevation. We have been ascending more or less ever since we left the Rio Grande. Indeed, from the appearance of the Jemez mountains and other indications, it is not at all unlikely that the country we have been travelling over to-day is considerably higher, atmospherically, than Santa Fe. But this point, it is to be regretted, I cannot determine, for the want of a barometer, with which it was impossible to supply myself on setting out upon the expedition. Major Emory, in his report, speaks of the absence of dew along the *Rio Gila*, and, on that account, of his scarcely ever finding it

necessary to wipe his horizon-glass. I, on the contrary, find them so heavy in this region as to make it necessary for me to wipe mine often.

The troops decamped at 7 a. m.—the weather, as it generally has been, being beautiful, clear, and pleasant. Our general course during the day was northwest; and for the first seven miles the route was gradually ascending.

Just after leaving camp, we passed, to the right of the road, the beautifully-shaped mound referred to yesterday. Four miles from camp, on the right of the road, is an oblong mound or hill, about fifty feet high, exhibiting very strikingly the gradual effect of igneous action upon matter, in proportion to its proximity to the source of heat. Highly scoriaceous rocks protruded here and there through argillaceous rocks, burnt to different degrees of calcination; and a dirty yellowish friable sandstone rock crops out all around from underneath the mass. This is the first scoriaceous or lava rock I have noticed since I left the valley of the Jemez. From the mound just adverted to, *Cerro de la Cabeza* and the Jemez mountains could still be seen to our rear.

A mile and a half further on the route we came to a locality where coal crops out of the soil. Near this locality is a very shallow depression or basin, caused by the washing of the rains. In this basin we found some beautiful specimens of petrified wood—in two instances the trunks of the trees still standing erect and *in situ*. One of these trunks was two feet high by two in diameter, and the other three feet high by two and a half in diameter. In another instance, a trunk of a tree, in its petrified state, had fallen over and split open, the parts lying together as if they had but just been cleft with an axe. For a sketch of two of these petrifications, see plates 18 and 19. Do not these petrifications show, that this country was once better timbered than it now is? All the *sylva* we now find—except the cottonwood occasionally to be seen on the water-courses—is a scrub growth of cedar and pine.

Prescott, in his "History of the Conquest of Mexico," speaking of the absence of forest trees in southern Mexico at the present period, remarks: "In the time of the Aztecs, the table land was thickly covered with larch, oak, cyprus, and the other forest trees—the extraordinary dimensions of some of which, remaining to the present day, show that the curse of barrenness in later times is chargeable more on man than nature."*

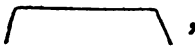
If by this remark this favorite author means to say that the curse of barrenness may be chargeable to the wickedness of the people who inhabit it, I can assent to it; but if, on the contrary, his idea is that its inhabitants had caused it by their own spontaneous agency, (positive or negative,) either by acts of devastation or neglect of culture, I do not perceive that a sufficient motive could be assigned to the former; and the history of rich, uncultivated lands in other portions of the world does not, in my judgment, justify the belief of the latter. Surely He who, as Revelation declares, and as the countries of the East now, in connexion with sacred and profane history, attest, "turneth rivers into a wilderness, and the water springs into dry ground; a fruitful land into barrenness, for the

* Volume 1, page 9.—See Isaiah, chapter 24; also, Psalms, chapter 107, verses 33 and 34; in which the Hebrew word, which in the text is rendered "barrenness," is also, according to the marginal reference, convertible into *saltiness*; and it is not a little remarkable that the cause of the barrenness of the soil in Old as well as New Mexico, is, in a very considerable degree, if not mainly, owing to this same condition of the earth—its *saltiness*.

wickedness of them that dwell therein;" He who "maketh the earth empty and waste;" who "turneth it upside down, and scattereth wide the inhabitants thereof,"—could also, in His sovereignty, not only have cursed, and for a similar cause, the country in question with the barrenness under which we see it languishing, but by this very means have scattered abroad its inhabitants, as the ruins everywhere attest He has done. It is, however, a pleasing thought, that He who inflicteth such judgments upon the land for the wickedness of the people dwelling therein, also, for their righteousness, "turneth the wilderness into a standing water, and dry ground into water springs; and there maketh the hungry to dwell, that they may prepare a city for habitation, and sow the fields, and plant vineyards, which may yield fruits of increase."* But to resume my journal:

Seven miles from our last camp, we reached the highest point of the land dividing the tributaries of the Gulf of Mexico from those of the Pacific. This land, on all the maps I have seen, is represented as being either of a ridgy, primary character, or of a *mesa* or *tableau* character, its lateral walls in the latter case being represented steep and deep. On some maps it is designated as the *Sierra de los Mimbres*, or in others as the *Sierra Madre*. Our exploration shows that, instead of its exhibiting in

traverse section the sharp angles of the primary mountains, thus ,

or the flat table-shaped aspect of the mesa formation, thus ,

it presents more strictly the outline of a formation, thus ,

the country intervening between the far-distant escarpments being very considerably convex. The highest point of land just referred to reached, we commenced gradually descending its western slope—three miles more bringing us to the Rio Chaco, a tributary of the *Rio San Juan*; and five miles more to a point whence could be seen in the distance, on a slight elevation, a conspicuous ruin, called, according to some of the Pueblo Indians with us, *Pueblo de Montezuma*, and according to the Mexicans, *Pueblo Colorado*. Hosta calls it *Pueblo de Ratones*; Sandoval, the friendly Navajo chief with us, *Pueblo Grande*; and Carravahal, our Mexican guide, who probably knows more about it than any one else, *Pueblo Pintado*.

After having marched 21.45 miles, coming to a spring of good water in a ravine to the left of the road, about a mile from the ruins, in the vicinity of which we found fuel and good grazing, we encamped.

The superior rock to-day was argillo-arenaceous; the soil the same; the

*Psalms, chapter 107, verses 35 and 37. See also, in this connexion, Major Emory's report from California, under date of August 20, 1849, to the chief of the Corps of Topographical Engineers, from which I make this extract: "A very remarkable circumstance has occurred in that portion of the country between the mouth of the Gila river and the mountains usually called the 'Desert,' sometimes the 'Jornado.' A river forty feet wide and more than waist deep has appeared in the middle of the desert, affording delicious water to drink, making an oasis at the most convenient spot for the traveller." Surely, then, here is a literal verification of the power of the Almighty to turn "a wilderness into a standing water, and dry ground into water springs."

And I will remark here, that I was informed last summer, by a citizen of Santa Fe, who had then recently travelled the Spanish trail route, that the river had broken out very singularly also upon that route.

route smooth and good. About a dozen hares, half a dozen doves, and one curlew, are all the game I have seen since I left Santa Fe. A wolf is seen occasionally. To-day I saw four; two of them very large.

After partaking of some refreshments, I started off, with high expectations—my assistants, the Messrs. Kern, accompanying me—to examine the ruins of *Pueblo Pintado*. We found them to more than answer our expectations. (See sketches in plates 20 and 21.) Forming one structure, and built of tabular pieces of hard, fine-grained, compact gray sandstone, (a material entirely unknown in the present architecture of New Mexico,) to which the atmosphere has imparted a reddish tinge, the layers or beds being not thicker than three inches, and sometimes as thin as one-fourth of an inch, it discovers in the masonry a combination of science and art which can only be referred to a higher stage of civilization and refinement than is discoverable in the works of Mexicans or Pueblos of the present day. Indeed, so beautifully diminutive and true are the details of the structure as to cause it, at a little distance, to have all the appearance of a magnificent piece of mosaic work. (See plate 41, drawing 1.)

In the outer face of the buildings there are no signs of mortar, the intervals between the beds being chinked with stones of the minutest thinness. The filling and backing are done in rubble masonry, the mortar presenting no indications of the presence of lime. The thickness of the main wall at base is within an inch or two of three feet; higher up, it is less—diminishing every story by retreating jogs on the inside, from bottom to top. Its elevation, at its present highest point, is between twenty-five and thirty feet, the series of floor beams indicating that there must have been originally at least three stories. The ground plan, including the court, in exterior development, is about 403 feet. On the ground floor, exclusive of the outbuildings, are fifty-four apartments, some of them as small as five feet square, and the largest about twelve by six feet. These rooms communicate with each other by very small doors, some of them as contracted as two and a half by two and a half feet; and in the case of the inner suite, the doors communicating with the interior court are as small as three and a half by two feet. The principal rooms, or those most in use, were, on account of their having larger doors and windows, most probably those of the second story. The system of flooring seems to have been large transverse unhewn beams, six inches in diameter, laid transversely from wall to wall, and then a number of smaller ones, about three inches in diameter, laid longitudinally upon them. What was placed on these does not appear, but most probably it was brush, bark, or slabs, covered with a layer of mud mortar. (See plate 41, drawing 5.) The beams show no signs of the saw or axe; on the contrary, they appear to have been hacked off by means of some very imperfect instrument. On the west face of the structure, the windows, which are only in the second story, are three feet two inches by two feet two inches. On the north side, they are only in the second and third stories, and are as small as fourteen by fourteen inches. At different points about the premises were three circular apartments sunk in the ground, the walls being of masonry. These apartments the Pueblo Indians call *estuffas*, or places where the people held their political and religious meetings. For further and more detailed information, including the position of the structure with respect to the four cardinal points, I refer to plate 21½.

The site of the ruins is a knoll, some twenty or thirty feet above the

surrounding plain—the Rio Chaco coursing by it, two or three hundred yards distant, and no wood being visible within the circuit of a mile.

The quarry from which the material was obtained to build the structure seems to have been just back of our camp.

Hosta says this pueblo was built by Montezuma and his people, when they were on their way from the north towards the south; that, after living here and in the vicinity for a while, they dispersed, some of them going east and settling on the Rio Grande, and others south into Old Mexico.

The captain of the Mexican mounted militia informs me that twenty of his men have deserted since they joined us on the 23d. The latitude of this camp is found to be $35^{\circ} 56' 27''$; its longitude, $107^{\circ} 46'$.

Ninth camp, August 27.—Not finishing our examinations at the ruins of *Pueblo Pintado* yesterday afternoon, we again visited them early this morning. On digging about the base of the exterior wall, we find that, for at least two feet, (the depth our time would permit us to go,) the same kind of masonry obtains below as above, except that it appears more compact. We could find no signs of the genuine arch about the premises, the lintels of the doors and windows being generally either a number of pieces of wood laid horizontally side by side, a single stone slab laid in this manner, or occasionally a series of smaller ones so placed horizontally upon each other that, whilst presenting the form of a sharp angle, in vertical longitudinal section, they would support the weight of the fabric above. (See this last indicated in plate 41, drawing 4.) Fragments of pottery lay scattered around, the colors showing taste in their selection and in the style of their arrangement, and being still quite bright. (See plate 22.) We would gladly, had time permitted, have remained longer to dig among the rubbish of the past; but the troops having already got some miles in advance of us, we were reluctantly obliged to quit.

Two miles over a slightly-rolling country, our general course being still northwest, brought us to the commencement of the Cañon de Chaco, its width here being about two hundred yards. Friable sandstone rocks, massive above, stratified below, constitute its enclosing walls. Four miles further, on the right side of the cañon, is a habitation excavated in the rocks, its front wall being of stone and mud masonry. The height of the apartment is four feet; dimensions in plan, fourteen by fourteen feet; and size of doorway, two by two feet. Alongside of it is another small apartment, also excavated in the rocks.

Bituminous coal again makes its appearance, nine miles from our last camp, cropping out from sandstone rocks. A mile further, on the left-hand side of the road, is a stone and mortar enclosure, elliptical in shape, sixteen by eight feet in plan, and having two equal compartments. About a mile further are to be seen a number of very large sandstone boulders, which have tumbled from the rocks above, some of them containing probably as much as fifteen thousand cubic feet. In some instances, I noticed rocks of the same kind *in situ*, and just ready to tumble down. On several of these boulders were found a number of hieroglyphics—for a representation of which, see plates 23, 24, and 25.

Thirteen miles from our last camp, we came to another old ruin, called by Carravahal *Pueblo Weje-gi*, built, like *Pueblo Pintado*, of very thin tabular pieces of compact sandstone. The circuit of the structure, including the court, was near seven hundred feet. The number of apartments

on the ground floor, judging from what was distinguishable, was probably ninety nine. The highest present elevation of the exterior wall is about twenty-five feet. The great mass of rubbish below, however, shows that it must have been higher. For a sketch of these ruins, in combination with the magnificent amorphous rocks of the north wall of the cañon back of them, see plate 26; and for their ground plan, see plate 27.

The view from these ruins, both up and down the cañon, is fine. Rocks piled upon rocks present themselves on either side, and in such order as to give the idea of two parallel architectural facades, converging at either extremity, at a remote distance. Another and more splendid view burst upon us as we turned an angle of the cañon, just before reaching camp. The chief object in the landscape was *Mesa Fachada*, a circular mound, with tableau top, rising abruptly, midway in the cañon, to a height of from three hundred to four hundred feet. The combination of this striking and beautiful object with the clear sky beyond, against which it was relieved, in connexion with lesser mounds at its base, the serried tents of the command, the busy scene of moving men and animals in the vicinity, and the curling smoke from the camp fires, made up a picture which it has been seldom my lot to witness.

The distance travelled to-day was 14.86 miles. The road was tolerably good. Scrub cedars, very thinly scattered, were to be seen on the heights; and the *artemisia* characterized the *flora*. Some patches of good *gramma* grass could occasionally be seen along the Rio Chaco. The country, as usual, on account, doubtless, of constant drought, presented one wide expanse of barren waste. Frequently since we left the Puerco the soil has given indications of containing all the earthy elements of fertility, but the refreshing shower has been wanting to make it productive. The Rio Chaco, near our camp, has a width of eight feet, and a depth of one and a half. Its waters, which are of a rich clay color, can only be relied upon with certainty during the wet season.

August 28.—This morning, the route of the command deviating from the Cañon of Chaco, in which were represented to be some more ruins of an interesting character, I obtained permission from the colonel commanding to visit them—it being my intention to join the command upon the Chaco, which it was said the troops would strike again before halting for the night. I took with me Mr. R. H. Kern and the guide, Carravahal, seven mounted Mexicans accompanying us as an escort. Mr. E. M. Kern was directed to continue with the troops, and keep up the topography of the route.

Proceeding down the cañon one and a half miles, (its general course north west by west,) we came to an old ruined structure, called by Carravahal *Pueblo Una Vida*. The circuit of this pueblo we found on measurement to be nine hundred and ninety-four feet. The structure has been built, like those I have already described, of very thin tabular fine-grained sandstone—the highest present elevation of the main walls being about fifteen feet. Two stories are now discoverable, but the mass of *debris* at the base of the walls certainly shows that there must originally have been more. The remains of four circular *estufas* are still apparent. For a view of these ruins, with the beautiful *Mesa Fachada* in the distance, see plate 28; and for a view of the plan of the pueblo, so far as it was distinguishable, see plate 29.

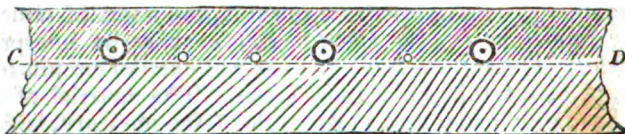
A mile further down the cañon, we came to another pueblo in ruins, called by Carravahal *Hungo Pavié*, which he interprets Crooked Nose. These ruins show the same nicety in the details of their masonry as those I have already described. The ground plan (for which see plate 30) shows an extent of exterior development of eight hundred and seventy-two feet, and a number of rooms upon the ground floor equal to seventy-two. The structure shows the existence of but one circular *estuffa*, and this is placed in the body of the north portion of the building, midway from either extremity. This *estuffa* differs from the others we have seen, in having a number of interior counterforts. The main walls of the building are at base two and three-quarter feet through, and at this time show a height of about thirty feet. The ends of the floor beams, which are still visible, plainly showing that there was originally, at least, a vertical series of four floors, there must then also have been originally at least a series of four stories of rooms; and as the *debris* at the base of the walls is very great, it is reasonable to infer that there may have been even more. The floor beams, which are round, in transverse section, and eleven inches in diameter, as well as the windows, which are as small as twelve by thirteen inches, have been arranged horizontally, with great precision and regularity. Pottery, as usual, was found scattered about the premises—specimens of which are illustrated in plate 32.

Continuing down the cañon one and three quarter miles further, we came to another extensive structure in ruins, the name of which, according to the guide, is *Pueblo Chettro Kettle*, or, as he interprets it, the Rain Pueblo. These ruins have an extent of exterior circuit, inclusive of the court, of about thirteen hundred feet. The material of which the structure has been made, as also the style of the masonry, is the same as that of the ruined pueblos I have already described—the stone a sandstone, and the beams pine and cedar. The number of stories at present discoverable is four—there having been originally a series of windows (four and a half by three and a half feet) in the first story, which are now walled up. The number of rooms on the first floor, all of which were distinguishable, excepting those in the west wing, must have been as many as one hundred and twenty-four. (See ground plan of structure in plate 33.) The circular *estuffas*, of which there are six in number, have a greater depth than any we have seen, and differ from them also in exhibiting more stories, one of them showing certainly two, and possibly three, the lowest one appearing to be almost covered up with *debris*. In the northwest corner of these ruins we found a room in an almost perfect state of preservation, a sketch of which can be seen in plate 34. This room is fourteen by seven and a half feet in plan, and ten feet in elevation. It has an outside doorway, three and a-half feet high by two and a quarter wide, and one at its west end, leading into the adjoining room, two feet wide, and at present, on account of rubbish, only two and a half feet high. The stone walls still have their plaster upon them, in a tolerable state of preservation. On the south wall is a recess, or niche, three feet two inches high by four feet five inches wide by four feet deep. Its position and size naturally suggested the idea that it might have been a fireplace; but if so, the smoke must have returned to the room, as there was no chimney outlet for it. In addition to this large recess, there were three smaller ones in the same wall. The ceiling showed two main

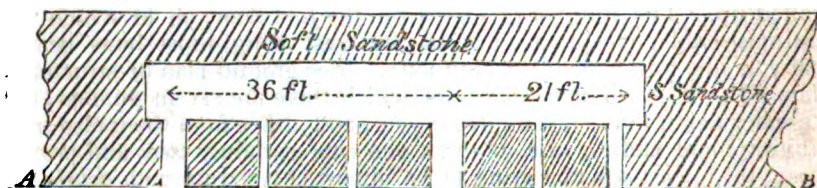
beams, laid transversely; on these, longitudinally, were a number of smaller ones in juxta position, the ends being tied together by a species of wooden fibre, and the interstices chinked in with small stones; on these again, transversely, in close contact, was a kind of lathing of the odor and appearance of cedar—all in a good state of preservation. Depending from the beams were several short pieces of rope, a specimen of which I got. The floor of the room is covered with rubbish. A large quantity of pottery lay strewn about the ruins.

Two hundred yards further down the cañon, in its north wall, are to be seen, about twelve feet from the ground, upon the same level, and within a number of feet of each other, three horizontal perforations, each about two feet in diameter, and having smaller ones between them, on the same line of level. Besides these perforations, there were other small ones arranged in a vertical line from the ground to one of the larger ones. What the object of these perforations may have been, it is difficult to divine, unless, indeed, back of the larger ones, and extending from one to the other, is an excavation which may answer as a hiding-place—the small orifices on the same level serving for light and ventilation, and those extending from the ground to one of the large ones as means of ascent, thus :

Elevation on C D, or face of wall.



Horizontal section on A B, or plan of excavation.



And this conjecture agrees with the statements made by one of the Mexicans with me, that it was a *casa*, (house.) It is to be regretted, however, that the want of the proper appliances to insert in the holes as steps for ascent, together with the necessity of hurrying on to the other labors of the day, did not permit us to satisfy our minds upon this point. Below the perforations on the face of the rock were a number of hieroglyphics, which are represented in part in plate 35, some fragments of the drawings having become lost.

Two or three hundred yards down the cañon, we met another old pueblo in ruins, called Pueblo Bonito. For a distant view of these ruins, and the magnificent rocks back of them, see plate 36; and for a view of its north elevation, see plate 39. This pueblo, though not so beautiful in

the arrangement of the details of its masonry as *Pueblo Pintado*, is yet superior to it in point of preservation. The circuit of its walls is about thirteen hundred feet. Its present elevation shows that it has had at least four stories of apartments. The number of rooms on the ground floor at present discernable is one hundred and thirty-nine. In this enumeration, however, are not included the apartments which are not distinguishable in the east portion of the pueblo, and which would probably swell the number to about two hundred. There, then, having been at least four stories of rooms, and supposing the horizontal depth of the edifice to have been uniform from bottom to top, or, in other words, not of a retreating terrace form on the court side, it is not unreasonable to infer that the original number of rooms was as many as eight hundred. But, as the latter supposition (as will be shown presently) is probably the most tenable, there must be a reduction from this number of one range of rooms for every story after the first; and this would lessen the number to six hundred and forty-one. The number of *estuffas* is four—the largest being sixty feet in diameter, showing two stories in height, and having a present depth of twelve feet. All these *estuffas* are, as in the case of the others I have seen, cylindrical in shape, and nicely walled up with thin tabular stone. Among the ruins are several rooms in a very good state of preservation—one of them (near the northwest corner of the north range) being walled up with alternate beds of large and small stones, the regularity of the combination producing a very pleasing effect. (See drawing No. 2, plate 41.) The ceiling of this room (see plate 38) is also more tasteful than any we have seen—the transverse beams being smaller and more numerous, and the longitudinal pieces which rest upon them only about an inch in diameter, and beautifully regular. These latter have somewhat the appearance of barked willow. The room has a doorway at each end and one at the side, each of them leading into adjacent apartments. The light is let in by a window, two feet by eight inches, on the north side. There was among the ruins another room, which, on account of the lateness of the hour and the consequent despatch of our examination, escaped our scrutiny. This room having been represented by Assistant Surgeon J. H. Hammond and Mr. J. L. Collins (both of whom started from camp with us) as being more perfect in its details than any of the others we had visited, and as indicating the use of *smooth* plank in the flooring, I requested the former to furnish me with a description of it. This description (thanks to the courtesy of the doctor) will be found in the appendix "C."

Besides the ruins of the main structure, there were some others lying just to the northeast of the pueblo, along the wall of the cañon.

A few hundred yards further down the cañon, we fell in with another pueblo in ruins, called by the guide *Pueblo del Arroyo*, the circuit of which was about one hundred feet. The day, however, being far gone, and the camp of the command doubtless many miles in advance of us, we were obliged reluctantly to forego the critical examination of these ruins which we would have been pleased to give them.

About a quarter of a mile further, we came to another small ruined edifice; and half a mile further, to still another—the style and construction of each being the same as of those already described, except that the stones of the walls were a little larger.

All the ruins we have seen to-day, up to this point, have been on the

north side of the cañon, and within a few feet of its escarpment wall, the sandstone rocks composing it being magnificently amorphous, and running up to a height of about one hundred feet. Two miles further down the cañon, but on its left or south bank, we came to another pueblo in ruins, called by the guide *Pueblo de Peñasca Blanca*, the circuit of which I ascertained to be, approximately, one thousand seven hundred feet. This is the largest pueblo in plan we have seen, and differs from others in the arrangement of the stones composing its walls. The walls of the other pueblos were all of one uniform character in the several beds composing it; but in this there is a regular alternation of large and small stones, the effect of which is both unique and beautiful. The largest stones, which are about one foot in length, and one half a foot in thickness, form but a single bed, and then, alternating with these, are three or four beds of very small stones, each about an inch in thickness. (See drawing No. 2, plate 41, for an illustration of this style of masonry.) The general plan of the structure also differs from the others in approximating the form of the circle. The number of rooms at present discoverable upon the first floor is one hundred and twelve; and the existing walls show that there have been at least three stories of apartments. The number of circular estuffas we counted was seven.

The question now arises, as we have seen all the ruins in this quarter, What was the form of these buildings?—I mean as regards the continuity or non-continuity of its front and rear walls. Were these walls one plain surface from bottom to top, as in the United States, or were they interrupted each story by a terrace, as is the case with the modern pueblo buildings in New Mexico?

The front or exterior walls were evidently one plain surface from bottom to top; because, whenever we found them in their integrity, which we did for as many as four stories in height, we always noticed them to be uninterruptedly plain.

The rear walls, however, were, in no instance that I recollect of, found to extend higher than the commencement of the second story; and the partition walls were, if my memory is not at fault, correspondingly step-like in their respective altitudes. The idea, then, at once unfolds itself, that in elevation the inner wall must have been a series of retreating surfaces—or, what would make this necessary, each story on the inner or court side must have been terraced. This idea also gathers strength from the fact that we saw no indications of any internal mode of ascent from story to story, and therefore that some exterior mode must have been resorted to—such as, probably, ladders, which the terrace form of the several stories would make very convenient. Again, the terrace form of the stories would best conduce to light and ventilation for the interior ranges of apartments. The idea, then, which Mr. R. H. Kern was the first to suggest—that these pueblos were terraced on their inner or court side—is not without strong grounds of probability; and it is in consonance with this idea that, in his restoration of the *Pueblo Hungo Pavié*, (see plate 31, he has given it the form exhibited in the drawing.*

It is a curious fact, that in no single instance did we find in these ruins either a chimney or a fireplace, unless, indeed, the recesses describe

*Unwittingly Mr. Kern has fallen one story short of the number the ruins exhibited. In their restored state, four stories should appear.

as existing in some of the rooms were used as fireplaces, which their slight height, as well as deprivation of chimney flues, would scarcely authorize. Neither were there any indications of the use of iron about the premises.

In regard to the position of the several structures in respect to the four true cardinal points of the heavens, it deviated in every instance more or less from them; but in no instance was the variation from the *magnetic* cardinal points more than five degrees, except in the case of the *Pueblo Una Vida*, where it was as great as fifteen degrees east. The magnetic variation of the needle from the true pole being, at these localities, about thirteen and a half degrees east, the deviation from the four *true* cardinal points, in the case of the *Pueblo Una Vida*, would then be as much as twenty eight and a half degrees. In the case, however, of all the other pueblos, it was but a very few degrees.

In regard to the origin of these remains, there is nothing that I can learn conclusive in relation to it. Hosta, one of the most intelligent Pueblo Indians I have seen, says, as I have before remarked, that they were built by Montezuma and his people, when on their way from the north to the region of the Rio Grande and to Old Mexico. Sandoval, a very intelligent Navajo chief, also says they were built by Montezuma, but further states that the Navajos and all the other Indians were once but one people, and lived in the vicinity of the Silver mountain; that this mountain is about one hundred miles north of the Chaco ruins; that the Pueblo Indians separated from them, (the Navajos,) and built towns on the Rio Grande and its tributaries, but that "their house continues to be the hut made of bushes." Nothing more satisfactory than this have I been able to get from either Indians or Mexicans.

On Colton's map of North America, however, I notice that Humboldt is made to locate the residence of the Aztecs, in the twelfth century, between the thirty-sixth and thirty-seventh parallels of north latitude, and the one hundred and ninth and one hundred and twelfth meridians of west longitude; but upon what ground the great explorer has based this hypothesis, I know not, for I have not his works at hand to consult. This thing, however, is certain: the ruins I have described were found upon the Rio Chaco; they are evidently, from the similarity of their style and mode of construction, of a common origin; they discover in the materials of which they are composed, as well as in the grandeur of their design and superiority of their workmanship, a condition of architectural excellence beyond the power of the Indians or New Mexicans of the present day to exhibit; and they are all situated between the thirty-sixth and thirty seventh parallels of north latitude, and near the one hundred and eighth degree of west longitude. It is, then, not at all improbable that they are the identical ruins to which Humboldt has referred.

But it may be said, "It is true these remains discover a race of men superior to the natives of New Mexico of the present day; but where are the evidences of the very high stage of civilization to which the Aztecs are said by historians to have attained in Anahuac? Where are the evidences of a mechanical knowledge equal to that which must have been exercised in the construction of the temple of Xochicalco, the palaces of Tezcotzinco, and the colossal calender stone in the capital."* But, waiving

* Prescott's Conquest of Mexico, vol. I, pp. 142, 182-185; vol. II, Ap., part I, note 73.

the question whether these remains are not of 'Toltec, rather than of Aztec origin, or of an origin yet more remote, is it at all an impossible thing that a people who could show the ingenuity and skill which the ruins of Chaco attest could also, self-instructed, by the time of the Spanish conquest, or within the space of three centuries, (the interval between the twelfth and fifteenth centuries,) have made such advances in the mechanic arts as to be equal to the work in question? And still further, is it not very likely that, as history bases the advanced state of the arts among the Aztecs of Anahuac more upon the superior attainments of their predecessors, the Toltecs, and their contemporaries, the Tezcucans,* than upon their own spontaneous, self-instructed efforts—is it not very likely, I say, that, under such favorable auspices, the Aztecs could have attained to the degree of proficiency ascribed to them? The foregoing facts and reflections, it is true, do not with certainty *fix* an Aztec origin to the ruins of the Chaco; but they go to show that, as far as is known, there is nothing to invalidate the hypothesis, but, on the contrary, a great deal to make it probable.

Gregg, in his excellent work upon New Mexico, entitled "Commerce of the Prairies,"† speaking of one of the Chaco ruins, *Pueblo Bonito*, remarks, (most probably from information derived from others,) that it resembles so much those of *Casas Grandes* as to make it probable that they were originally built by the same people; and, as he seems to adopt the idea of the historian *Clavigero*, that these latter *are* of Aztec origin, the inference is, that he also attributes the former to the same source. Wislizenus, on the contrary, in his interesting "Memoir of a Tour to Northern Mexico in 1846 and 1847,"‡ says, (he professes only to speak from report,) that the ruins of *Casas Grandes* are "built of *adobes* and wood squared," and have "a gallery of wood and staircase from the outside." If, then, the information derived by Wislizenus be correct, these ruins cannot be said to resemble those of the Chaco, for the latter are built *entirely of stone*, and, besides, do not discover the *slightest evidences* of ever having had exterior "galleries" or staircases. It is most probable, then, that they are not both of the same, or of Aztec origin; but as, with Mr. Gallatin, I am inclined to doubt the Aztec origin of the former, or those of *Casas Grandes*, so am I equally strong in the opinion that those of the latter, the Chaco ruins, are of that origin.

Major Emory also, in his letter to Mr. Gallatin, (to be found in appendix No. 1 of his "Reconnaissance in New Mexico,") speaking of the ruins on the *Rio Gila*, says: "My own impression is, that the many ruins we saw on the Gila might well be attributed to Indians of the races we saw in New Mexico, and on the Gila itself. I mean by the last the Pimos, who might easily have lost the art of building *adobe* or mud houses." It would then seem to be very probable that not only were the ruins of the Chaco of Aztec origin, but, as far as has been at present discovered, it is not at all unlikely that they, instead of those on or near the Gila, constituted the last resting place of this people before entering upon the conquest of Anahuac.

The great historian Robertson, it is said, has stated (I have not his works near me to verify the fact,) that "there is not in all the extent of

* Prescott's Conquest of Mexico, vol. 3, pp. 215, 216, 414.

† Vol. 1, pp. 283-285.

‡ Page 59.

New Spain any monument or vestige of a building more ancient than the conquest; that the temple of *Cholula* is nothing but a mound of solid earth, without any facing, or any steps, covered with grass and shrubs; and that the houses of the people of Mexico are mere huts, built with turf or branches of trees, like those of the rudest Indians."* However applicable this may be to the ancient remains said to have been found in New Spain—and I have no reason, from my reading, to believe it so—it certainly cannot be predicated of those discovered on the Rio Chaco.

But to proceed with the journal of our route: The last ruins passed, we obtained from the same eminence on which they are situated a fine view of the *Tumecha* mountains, some forty miles off, to the west, and their apparent range very nearly perpendicular to our course, and the waters of the Chaco, glittering under the rays of an opposite and declining sun, coursing their way as far as they could be seen towards them. Already it was 5 o'clock p. m., and no signs of the camp of the troops were visible. Thirteen miles more were made by us—the darkness of the night having come upon us—and still the camp was not in view. Just at this moment, a strange horse neighed directly in front of us. I felt assured that we had at last reached the camp. An exclamation of joy from me was the natural consequence; and I cried out loud enough to get a response from it, if such it was. All, however, was as silent as death. The thought then flashed upon me, we have perchance got into a Navajo snare, and I prepared my firearms accordingly. The sergeant, however, soon ascertained that the horse was an American one, and had a *lariat* (a long halter) upon him. This at once gave me the idea that the camp, if not just at hand, could not be far off. I therefore again gave the word, "Forward." We had, however, not gone more than fifty yards before I heard a voice calling out, within but a few yards of me, "Simpson! Simpson! come over here." Over an intermediate stream I went, and who should I find stretched out for a night's repose but Doctor Hammond! It appears that the doctor and Mr. Collins, both of whom had preceded us from the ruins in search of camp, had, up to this point, not fallen in with it; and the former believing that it would be better to wait where he was for the troops, and the latter that it was preferable to strike off south from the river in search of them, they had both acted correspondingly—the doctor spreading out his horse-blanket and overcoat as a pallet for the night, and Mr. Collins taking off with him the two or three Pueblo Indians they had had in company with them. Of course, this accidental meeting was congratulatory on both sides: and particularly fortunate was it for the doctor that he was awake to hail us as we were passing; for had it been otherwise, his horse, which one of the escort was taking away with him, would have been found missing in the morning, and he, consequently, in rather a helpless plight.

Judging from the information given me by the guide that the country admitted of the commands striking the Chaco about two miles lower down, (which it will be recollected I was told before leaving camp they would do before encamping,) the doctor consenting to accompany us, we pushed on that distance, but only to be again disappointed. The consequence was, that we were obliged to come to a halt and bivouac for the night. Not anticipating anything of this kind when we left the troops, neither Mr. Kern, the doctor, nor myself had brought with us any provisions or bed

* See Museum of Foreign Literature and Science, Philadelphia, vol. VII, page 166.

clothing. The Mexicans, however, kindly shared their *atole* (a sort of thin mush) with us; and, clubbing our horse-blankets and overcoats together, our saddles serving as pillows, we prepared for ourselves a tolerably comfortable bed.

The whole distance travelled to-day was about twenty-three miles; and, considering the amount of labor we accomplished at the ruins, we look upon our day's work as being considerable.

The soil in the *Cañon de Chaco*, though now very arid, seems to possess the elements of fertility; and, probably, when the ruined pueblos along it were instinct with life, it was cultivated. The water of the Rio Chaco has been gradually increasing in volume in proportion as we descended. The flora and sylvia have been, as usual, the artemisia and a stunted growth of cedar, the latter here and there sparsely disposed on the table lands.

Eleventh camp, August 30.—All had a good night of it, notwithstanding our untoward circumstances. The Mexicans again, from their little stock, furnished us with a sufficiency to cause us to feel that we had a breakfast. Believing that we were in advance of the troops, and that, therefore, they would meet us, I determined to wait for them where we were. In the mean time, I examined the geological structure of the rocks forming the enclosing walls of the cañon. Beginning at the base and proceeding upwards, I found, first, a bed of impure bituminous coal five feet thick; next, a stratum of argillaceous earth twelve feet thick; next, two feet of argillaceous rock of a reddish ferruginous aspect, presenting evidences of induration by heat; and last, forming the crowning rock of the whole, an amorphous yellow sandstone, interstratified with gray argillaceous shale, of about two feet in thickness. Upon the *talus* of the escarpment I picked up also some fragments of selenite. The formation just described has characterized the country generally ever since we left the *Rio Puerco*.

Between 10 and 11 o'clock a. m., Carravahal, who had gone with my reconnoitring glass up the neighboring *mésa* height to look out for the command, giving a shout, we were at once convinced that some person or persons were approaching. And, sure enough, not many minutes elapsed before we noticed Mr. Collins coming down the cañon with a party of fifteen Indians. He had come to look us up, and supply us with something to eat. Last night, after a hard ride, he had fallen in with the main camp, some ten miles south from the river. *Sandoval*, the Navajo guide with the command, it appeared, had either honestly changed his mind about striking the Rio Chaco, or his intentions had unwittingly been misinterpreted, or he had in view something sinister. But, be this as it may, we again started off to find the troops at their next camp—our course continuing to be, for the first ten miles, as yesterday, northwest by west, and immediately down the cañon. Having proceeded five and a half miles, we passed a mound, which, the Indians perceiving, they rushed towards in a mass, to provide themselves with some of the red paint which crops out near its summit. It was not many minutes before they came dashing upon us again, their faces totally coated with paint, and with them a Mexican, having, not only his face, but the sleeves of his shirt, of a deep red color; and soon after I noticed, not only this fellow's entire clothing, but even his mule's head, of this barbarous complexion—the object being, doubtless, to give him the ferocious, bloody look which, in his soul, probably, he felt he could testify in no other way. About this locality were some fresh

foot tracks visible, supposed to be those of Navajo spies who had been dogging us. A mile further, we came to a hemispherical mound, fifteen feet high, and of about fifty feet base. At the base, coal crops out. Immediately above is a blue rock, apparently argillo-calcareous, two feet thick, blackened as if by fire. Above this, and forming the chief covering, is a grayish-white pulverulent mass, intermingled with fragments of red argillaceous rock, also showing marks of heat; and immediately at the apex, or summit, are fragments of the same kind of rock, highly scoriaceous. Is it not reasonable to presume that here has been a slight upheave from below, attended with fusion—indeed, a volcano on a small scale?

Leaving the cañon at a point about ten miles from our place of bivouac, we struck a general course south of west—the country for the next ten miles being a barren waste of broken hills and arid plains, and some of the hills being so steep as to require us to lead our horses down them, and even then at the risk of their limbs—the soil of the plains presenting very much the levity and color of ashes, and looking, if possible, more under a *curse* than the generality of that we have passed over. This distance traversed, we got in the midst of a most singular profusion and confusion of deep, rugged ravines, and high sandstone rocks, of almost every shape and character imaginable. Here were at once to be seen domes, pillars, turrets, pinnacles, spires, castles, vases, tables, pitched roofs, and a number of other objects of a well-defined figurative character, specimens of two of which will be seen in plate 42. The base of these formations is an argillaceous friable rock.

At length, reaching the brow of the Tumecha valley, much to our joy, we could see in a direction south of west the camp of the troops, some seven or eight miles off, the tents appearing at times like white specks, and cheering us by the peaceful blue smoke with which they were canopied. The intermediate plain, of an ash-colored, herbless, forbidding character, rapidly traversed, it was not long before we were entering camp, much to the gratification of our comrades, who, it appeared, had felt no little anxiety on our account, and greatly to our own satisfaction.

Our day's travel has been about twenty-nine miles. The water at this camp, of a highly alkaline character, is obtained from dug pits. Wood of a shrub or bush character is used for fuel. There being no grass near, fodder is obtained from the green cornfields of the Navajos in the vicinity.

Mr. E. M. Kern having been directed, on my diverging from the route of the troops, to keep up the topography of the country through which they would pass, the following is his journal for the two days we have been separated:

"Tenth camp, August 28.—Raised camp at 7 o'clock. General course west. About nine miles from our camp of last night, on our left, about three miles distant, appeared the ruins of an old pueblo. The *mésa* that formed the left side of the Cañon de Chaco turns off square opposite the *Mesa Fachada*, and runs in a southerly direction, leaving on our left a plain, slightly broken by gullies and isolated hills.

"The road to-day has been very interesting on account of the curious sandstone formations, having much the appearance of a large ruined city. These places rendered the road somewhat difficult. Camped to-night at some pools of water, sufficient for the camp. Petrified wood along the river. Made 24.50 miles.

"Eleventh camp, August 29.—Moved at 7 o'clock. The artillery, at

about three-fourths of a mile, turned a short distance to the left to avoid a bad ascent of the *mésa*. The country of the same character as of yesterday, but road better. A few uninteresting ruins of old houses in the rocks. Broken bluffs on the right. Camped at some Indian wells. Made 14.60 miles. No vegetation to speak of for the past two days."

Astronomical observations give for the latitude of this camp $36^{\circ} 04' 35''$; for the longitude, $108^{\circ} 39' 30''$.

Twelfth camp, August 30.—Several Navajo men and women were yesterday afternoon and this morning in our last camp. They said the troops had come over sooner than they had expected; that their people were yet living on their cornfields near by; and that they had collected some fifteen horses and mules, and a number of sheep, to deliver up, according to the requirements which the colonel commanding had made of them, through Brevet Major Grier, some weeks previous, at Jemez; that they would conform to the treaty which Colonel Nuby had made with them: did not want to fight, &c.

The women I noticed wore blankets, leggins, and moccasins—the blankets being confined about the waist by a girdle. They bestrode their horses *a la mode des hommes*. One of them, on horseback, had a child at her breast, confined on its back to a board, the upper portion canopied by a frame of willow-work, to protect its head from the weather.

The troops decamped this morning at seven—their course, which was up the valley of the Tumecha, being generally about northwest. Having proceeded five and a half miles, a most splendid view of the peaks of the Ojos Calientes (Warm springs) presented itself to our front. This view may be seen in plate 43—several Navajos, in costume, being exhibited in the foreground, gazing at the troops in the distance beyond. These splendid peaks first appeared to view yesterday, from the brow of the Tumecha valley. Two miles further, another body of Navajos appeared in front of us, about a mile distant, who, as we approached, discovered themselves to be mounted. Soon the Pueblo Indians, who were in the advance, were scampering off to commingle with them; and, dressed as they all were in their costumes, they formed quite an interesting and formidable group. Several of the Navajos, I noticed, wore helmet-shaped caps, which were in some instances heightened in picturesque effect by being set off with a bunch of eagles' feathers.

One of them, I observed, had hair approaching to red, and looked, as was observed by several, very much like a white man painted. Another man, who was quite old, and of very large frame, had a grave and contemplative countenance, not unlike, as many of the officers remarked, (I hope the comparison will be pardoned,) that of General Washington. Some of them were almost naked—one of them entirely so, excepting his breech-cloth, his whole person at the same time looking ghastly, on account of a kind of whitewash with which it was covered.

Colonel Washington and his staff having remained among the group sufficiently long to enable the main body of the troops to come up, the word was given by him, "Tell Sandoval to direct these people to go forward!" Soon I could see the whole body of Indians (Pueblos and Navajos) moving in a cloud of dust in advance of us. A dark, portentous cloud was hovering at the time over the Tumecha mountains beyond, the forked lightning ever and anon darting vividly athwart it; the beautiful peaks of the Ojos Calientes lay quartering to the right; and in rear

could be seen the main command—first the packs, then the infantry, and last the artillery, (which, on account of some obstacle, had for the moment got behind,) coming forward.

Fifteen miles on our route, we came to a hill, about fifty feet high, upon which the artillery was drawn with some difficulty. Six miles further brought us to the Rio Tumecha, (a primary or secondary tributary of the San Juan,) upon which we are now encamped.

The peaks of the Ojos Calientes, as we approached them to-day, appeared very much like ships under full sail—two of them looking very rakish, and the other more upright, as if moved by a gentle breeze.

We passed along the route some very extensive and luxuriant cornfields, the plant looking finer than any I have seen in this country; and what makes it more remarkable, at least in this part of the world, is, there were no evidences of a resort having been had to irrigation. The soil was arenaceous and light, the ears of the plant springing low down from the stalk, and looking sometimes as if they came directly from the soil. Colonel Washington informs me that the latter is probably owing to the deep planting, which the Navajos practice more than other Indians. They plant us deep as a foot or a foot and a half, and he has been assured that they never fail in their crops. This kind of planting, however, I suppose, can only be successful in light, porous soils.

The water in the Rio Tumecha we find amply sufficient and good, and doubtless its constancy may be relied on. The pasture along the stream, however, is but scant, and therefore the cornfields of the Navajos in the vicinity have to be drawn upon. It having been represented that the Navajos would resist the troops in cutting the corn, Captain Dodge, with a command, was sent to enforce the order.

This afternoon, several of the head-men of the Navajo tribe have been in camp, and had a talk with Colonel Washington and the Indian agent, Mr. Calhoun—the object of these gentlemen being to inform them that the troops were there in accordance with the determination made known to them some weeks since at Jemez; that, if they did not comply with the treaty made with them by Colonel Nuby, which required that they should give up all Mexican captives, all murderers of Mexicans who had secreted themselves among them, and all Mexican stock they had driven off since the establishment of the government of the United States over them, the United States would send among them a body of troops to enforce it. The result of the conference was, that the chiefs present promised to send word out to all the other chiefs, who, they said, would be in camp to-morrow at noon, to hold a council with the United States, and have matters settled.

The latitude of this camp, by observation, is $36^{\circ} 12' 59''$; the longitude, $106^{\circ} 50' 45''$.

Thirteenth camp, August 31.—To-day, about noon, at our last camp, three Navajo chiefs appeared in council—Narbona, José Largo, and Archulette—when something like the following colloquy took place, the interpreter, Mr. Conkling, of Santa Fe, delivering the several points *seriatim*, as they were expressed by Colonel Washington and Mr. Calhoun:

Colonel Washington. Tell them that I wish them to go to Chelly, so that a treaty may be made with the whole nation.

Tell them the treaty I wish to make with them is to establish the conditions they promised yesterday to comply with.

Tell them the treaty I propose to make with them will be based upon the demands I have already made; and the object, in addition, will be a permanent peace.

Mr. Calhoun. Tell them they are lawfully in the jurisdiction of the United States, and they must respect that jurisdiction.

Interpreter. They say they understand it.

Mr. Calhoun. Tell them that, after the treaty is made, their friends will be the friends of the United States, and their enemies the enemies of the United States.

Tell them, when any difficulty occurs between them and any other nation, by appealing to the United States they may get redress.

Are they willing to be at peace with all the friends of the United States?

Interpreter. They say they are willing.

Mr. Calhoun. Tell them that, by the treaty which it is proposed to make with them, all trade between themselves and other nations will be recognised as under regulations to be prescribed by the United States.

Colonel Washington. And the object of this is to prevent their being imposed upon by bad men.

Interpreter. They understand it, and are content.

Mr. Calhoun. Tell them, if any wrong is done them by a citizen of the United States, or by a Mexican, he or they shall be punished by the United States as if the wrong had been done by a citizen of the United States, and on a citizen of the United States.

Interpreter. They say they understand it, and it is all right.

Mr. Calhoun. That the people of the United States shall go in and out of their country without molestation, under such regulations as shall be prescribed by the United States.

Interpreter. They say, very well.

Mr. Calhoun. Tell them that, by this treaty, the government of the United States are to be recognised as having the right to establish military posts in their country wherever they may think it necessary, in order to the protection of them and their rights.

That the government of the United States claim the right to have their boundaries fixed and marked, so as to prevent any misunderstanding on this point between them and their neighbors.

Interpreter. They say they are very glad.

Mr. Calhoun. For and in consideration of all this, and a faithful performance of the treaty, the government of the United States will, from time to time, make them presents, such as axes, hoes, and other farming utensils, blankets, &c.

Interpreter. They say it is all right.

The several points of the proposed treaty having been explained to the chiefs to their satisfaction, Narbona, the head chief, and José Largo, both very aged—the former about eighty, and the latter about seventy—voluntarily signed powers of attorney, by which full authority was granted to Armijo and Pedro José, two younger chiefs, to act for them at Chelly in the proposed council, in the same manner and to the same extent as they would do were they present.

The council breaking up, Sandoval harangued some two or three hundred Navajos, ranged before him on horseback—the object, as it occurred to me, being to explain to them the views and purposes of the government of the United States. Sandoval himself habited in his gorgeously-colored dress, and all the Navajos as gorgeously decked in red, blue, and white, with

rifle erect in hand, the spectacle was very imposing. But soon I perceived there was likely to be some more serious work than mere talking. It appears that it was ascertained very satisfactorily that there was then among the horses in the possession of the Navajos present one which belonged to a Mexican, a member of Colonel Washington's command. The colonel, particularly as the possessor of it acknowledged it to be stolen, demanded its immediate restoration. The Navajos demurred. He then told them that, unless they restored it immediately, they would be fired into. They replied that the man in whose possession the horse was had fled. Colonel Washington then directed Lieutenant Tores to seize one in reprisal. The Navajos, immediately perceiving it, scampered off at the top of their speed. The guard present were then ordered to fire upon them—the result of which was, that their head chief, Narbona, was shot dead on the spot, and six others (as the Navajos subsequently told us) were mortally wounded. Major Peck also threw among them, very handsomely—much to their terror, when they were afar off, and thought they could with safety relax their flight—a couple of round shot. (See plate 44 for a sketch of Nabona, taken just before his death—the scourge of the Mexicans, doubtless, for the last half century.)

These people evidently gave signs of being tricky and unreliable, and probably never will be chastened into perfect subjection *until troops are stationed immediately among them.*

They had, previous to the affray, during the day, brought in about one hundred head of sheep, and four horses and mules; and immediately after it, some thirty or forty more head of sheep were driven in by the troops.

It is to be regretted that, in the hurry-scurry movement of the enemy, some of the pack animals, which were at the time ready to accompany the troops to the next camping ground, should have been frightened off.

Immediately after the affair alluded to, at about 5 p. m., the command resumed the line of march. We had not proceeded more than a mile before a Navajo appeared ahead of us, as if anxious to hold a parley. Mr. Conkling was sent forward to see what he wanted. He said he wished to talk to the commanding officer. Colonel Washington told him to come forward. He did so; and, with tears in his eyes, (I do not know how easily these fellows may cry,) he said he did not wish to live any longer among these people; that he wanted peace; that he was related to Sandoval, and wished to convey his mother to Sandoval's people,* among whom he desired to live. The colonel told him to go home and keep the peace; that he was at liberty to convey away his mother.

Our march this afternoon was only 4.32 miles. The soil of the valley we have been threading for the last two days, it occurs to me, is (a great deal of it) good, and could doubtless be cultivated much more extensively than it is.

General character of the country traversed east of the Sierra de Tumecha.

And now, as we shall commence the ascent to-morrow of the *Sierra de Tumecha*, which traversed, according to the report of one of the guides, is to introduce us into a more fertile region, the opportunity seems to be a

*Sandoval is the recognized chief of a small number of friendly Navajos, living near Cebollita, on the head-waters of the San José. (See map.)

favorable one for summing up, in *one general view*, the several characteristics of the country we have been passing through since we left Santa Fe.

The geological features of the country have been, from Santa Fe to the Rio Jemez, an intermixture of primary and secondary mountains, and *mésa* or table heights—the latter for the most part being overlaid with basaltic trap. From the valley of the Rio de Jemez to where we now are, (or to the Sierra de Tumecha,) the formation is entirely of a secondary character, the superior rocks being generally finely (in contradistinction to coarse-grained) argillo-arenaceous—in a few localities exposing outcrops of massive gypsum, selenitic gypsum being found pervading, but sparingly, and bituminous coal, but of an impure, slaty character, characterizing almost continuously this whole section. And, commensurate with this section, *arroyos*, *cañons*, *mesas*, with their well-defined crests and escarpments; plateau and hemispherical mounds, intermitting dirty, clay-colored rills, dignified with the name of *rios*, (rivers;) and an all-pervading dull, yellow, dirty, buff-colored soil,—have, in their respective magnitudes and relations, characterized the face of the landscape.

In regard to the fertility or productive qualities of the soil for the whole area traversed this side of Santa Fe, saving the inconsiderable exceptions which have from time to time been noted in my journal, the country is one extended *naked, barren* waste, sparsely covered with cedar and pine of a scrub growth, and thickly sprinkled with the wild sage, or artemisia, the color of the domestic sage, suggesting very appropriately the dead, lifeless color of the wild.

Our camp for the night is on a very small rill of good water, in the vicinity of some cornfields, whence, on account of the absence of pasture, we are obliged to draw our forage.

A party of Mexicans and Pueblo Indians, who, under the command of Major Kendrick, assisted by Captain Dodge, left camp this morning to reconnoitre the pass of the Tumecha mountains, are still out; and some fears are entertained lest, on account of their being ignorant of the affray this afternoon, they may be surprised, and possibly be taken, at a disadvantage. Sandoval and a party of Mexicans started off this evening to meet them and direct them to camp.

Fourteenth camp, September 1.—Major Kendrick got in with a portion of his party late last evening, the horses of the Pueblo Indians being too much broken down to permit them to return with him. We all have some apprehension lest their ignorance of our present relations with the Navajos may unwittingly lead them to give the enemy an advantage over them.

Major Kendrick reports that the Navajo guide who accompanied him was called aside on the way by another Navajo, and doubtless informed of the affair of yesterday. He thinks he must have been made acquainted with it; for on two occasions he endeavored to lead the major and his command aside, to give battle to a bear, which, he said, another Navajo had at bay, aside of the route. The major, however, was not to be diverted from his course; and probably it is very well he was not, for, the guide making his escape soon after, the chances were that his object was to lead them into an ambush.

The major knew nothing of the commencement of hostilities till he arrived in camp. And, what liked to have proved a very serious affair, he and his party, last night, whilst approaching the camp, were fired upon

by the Mexican picket-guard. Captain Dodge was so near one of these valiant fellows as to become unhorsed by his animal suddenly starting aside from the flash of the fellow's musket; and, what was still more unacceptable, a ball came whizzing by him nearer than he had ever had one before; and, to cap the climax, he afterwards learned that the shot had been made by one of his own company, who happened to be on guard! A soldier was also thrown from his horse for the same cause; and the guide, Carravahal, had his arm grazed by a ball. This vigilant Mexican guard, it seems, had mistaken the major and his party for a body of the enemy! Twice last evening they gave a false alarm!

The troops decamped at 7 a. m.—our course west of south, and the route commencing the ascent of the Tumecha mountains. One mile and a half from camp, we came to a very steep hill, probably about seventy or eighty feet high. The artillery, to overcome this, had to be unlimbered, and all hands were required at the bricoles. The slope of the hill approaching quite nearly the vertical, it would seem that no obstacle, no matter how steep, can obstruct the passage of artillery, where, with adequate human power, and sufficiently strong bricoles, there is present in the officers commanding (as there was here) the necessary energy to secure success. A mile further, we crossed an *arroyo*, coming in from the mountain, from the banks of which bituminous coal, apparently of an excellent quality, exists, in beds of from two to three feet in thickness, with argillaceous shale intervening.

About 10 o'clock, the command was cheered with the sight of Hosta and Sandoval, returning with the Pueblo Indians, who had not been able to get into camp last night. They were received with cheers, and Hosta—the handsome, magnanimous Hosta, apparently unconscious of anything distinguishing about him—was greeted with a most cordial welcome. (See him, in his war costume, in plate 4.) They reported that three of their mules had been stolen by the enemy, but no attack had been made upon them.

Scarcely had the Pueblos joined us, before a couple of the enemy showed themselves, a great distance off, to our front, and, in the *peculiar far-reaching tone* of the Swiss mountain peasant, in which the Navajos seem to be proficient, they made known to us that they wished to have a talk with Sandoval. Sandoval, with Mr. Collins, approaching them, one of them said it was to be regretted that, for so trifling a thing as a horse, so much damage had been done; that by it they had lost one of their greatest warriors, (Narbona;) that the people wanted peace; and that they would come in to-day or to-morrow to obtain it. He further remarked that, in the affair of yesterday, he had had a relative shot in the thigh, who might probably die from the wound.

The road to-day up the slope of the Sierra de Tumecha has been very rocky. A few Navajo huts have been seen. These huts are of conical shape, about eight feet high, eighteen feet in diameter at base, and constructed of poles, which, laid against each other at the apex, are spread out to the required diameter at the base, the whole being covered with bark or brush and mud. Yellow pine, about eighty feet high, and twelve feet in circumference at the trunk, as also some scrub oak—the first we have seen—grow along the route.

F'ankers were thrown out to day on either side, to flush any way-layers that might be along the route. Our day's march has been about ten

miles. Our encampment is near a pond of excellent water, margined with fine grass, and being shaded by some noble pines, and a very pretty wide-spreading oak adding its variety to the landscape: the combination makes up the most refreshing picture we have seen during the expedition.

This camp is found to be in latitude $36^{\circ} 7' 42''$; in longitude $108^{\circ} 54' 15''$.

Fifteenth camp, September 2.—A sentinel fired during the night at an Indian, as he says, prowling about camp on horseback. The troops resumed the march at 7 a. m.—the general course west of south. Three miles on the route, we passed on our right a fine pond of water, bordered by a margin of good grass. A mile further brought us to a small streamlet, which, taking its rise in the pass of the mountain, flows eastwardly, doubtless to join the Rio de Tumecha. At this stream the troops were commanded to halt, in order to make the proper preparations for a successful passage through the gorge or gate of the mountain.

Major Kendrick, who, day before yesterday, with a party, had reconnoitered the pass, having represented it as being very difficult, both on account of the obstacles in the way to the passage of artillery and the commanding heights on either side of it, it was believed that here, if anywhere, the enemy would, in a body, make a stand to dispute our advance. The artillery were accordingly placed in a position to cover the passage of our troops; and forty Pueblos, under their elected chief *Ow-te-wa*, (see plate 13,) Captain Dodge voluntarily offering to lead them, were pushed forward in advance, with directions to scale and take post on the heights to the right of the defile. I had noticed with my reconnoitring-glass several of the enemy upon the heights, to the left of the defile; and it was not at all improbable that they were strongly posted on the still more commanding heights on the right. The Pueblo Indians having gallantly gained the heights, and met no enemy, a preconcerted signal, the firing of a rifle, was given, to inform the commanding colonel of the fact. The infantry were then ordered to move forward, a portion of them being at the same time directed to scour the more accessible heights commanding the pass on the left. Soon after, the whole command was put in motion—the packs in the centre, and the artillery bringing up the rear.

The pass at the most dangerous point we found extraordinarily formidable. On the north side is a wall of trap, capped with sandstone, running perpendicularly up from the bottom of the defile to a height of about six hundred feet; and, in addition to this, there are two others, but further removed. On the left side is another height, running up from the defile, with an accessible slope, to a height of probably about three hundred feet. The width of the pass at this point is probably not more than fifty feet, and barely furnishes a passage-way (a sidling one at this) for the artillery. This, the most difficult portion of the pass, is probably about three hundred yards long. Colonel Washington informs me it is the most formidable defile he has ever seen. The artillery were three hours in getting through it. In honor of the colonel commanding, I have, on my map, called it Pass Washington. (See plate 45 for a view of it, looking back.)

The narrow portion of the pass got through, it immediately expands into one of about a quarter of a mile in breadth, and which, for this country, is of extraordinary beauty. The soil here is of a very rich quality. The pines are tall and large, the grass luxuriant, and the surface of the ground, which is sweetly undulating, is covered with a profusion of the most

beautiful and delicate flowers—the wild rose, the first I have seen during the expedition, being among them. A stream of pure, wholesome water, trickling along through this scene, westward, adds its beauty to the picture. It is in the midst of a landscape like this, about three-fourths of a mile from the narrowest portion of the gorge, we are encamped.

The rocks about the pass are at base a dark green trap, overlaid by sandstone. A late work, entitled "Doniphan's Expedition," represents the Sierra de Tumecha as "the grandest of mountains, consisting of large masses of granite piled on granite, and penetrating into the region of clouds and permanent snows."^{*} In crossing the ridge, we discovered no granite; and neither remotely, when observing the heights from the plains, nor when near by them, could we perceive the slightest indications of snow.

It is observable that troops attempting to pass the defile from the *east* side of the mountain will find a subordinate eminence, to the west of the point where it was stated the battery was established to cover the movement, upon which a battery could be placed which would be in effective range of the heights commanding the pass on either side.

Captain Dodge informs me that, before the Pueblos reached the heights they were ordered to scale, they halted on the way to receive from their chiefs some medicine from the medicine-bags which each of them carried about his person. This they rubbed upon their heart, as they said, to make it big and brave; and they also rubbed it on other parts of their bodies, and upon their rifles, for the same purpose.

The distance marched to-day is estimated at six miles. For the past two days, on account of the roughness of the route and consequent fear of damage, the viameter has been detached from the wheel of the six-pounder. It was quite apparent that the route we have come is practicable for wagons only as *as far as the east base of these mountains*.

A very pretty stone, between the jasper and chalcedony, has been found strewn over the ground at this and our last encampment. A grizzly bear, it is reported, has been seen near our present camp. The whole command has been in the most buoyant spirits ever since we commenced the ascent of the Sierra de Tumecha—the air, the water, and the scenery all doubtlessly contributing their joint influence.

Sixteenth camp, September 3.—Carravahal representing that there yet remained a very narrow and difficult defile to pass through before we should be entirely extricated from the natural defiles of the route, I was ordered this morning by the colonel commanding in advance, (thirty Pueblos and Lieutenant Tores accompanying me,) to reconnoitre the defile. After getting about half a mile from the camp, we entered a gorge, which, for about a mile, we found very narrow, and commanded by heights on either side. These heights, however, are easily accessible, and can be swept by troops thrown out as flankers. The very narrowest portion of the gorge extends only for about one-third of a mile. The artillery were detained here, on account of obstacles, three-quarters of an hour, and also slightly in crossing the *Rio Negro*, which they did twice subsequently. This stream, which is the one spoken of as passing through our camp of yesterday, and taking its rise in the pass, is a beautiful mountain brook, and, coursing generally south of west, probably runs into the Cañon de Chelly.

The gorge we found to-day, as yesterday, surpassingly beautiful. Primary mountain heights extend on either hand for the first three miles, and then the secondary commence. Four miles further, the gorge expands indefinitely to the right and left, the greatest elevation of the heights on either side being probably about eight hundred feet.

The soil of the valley of the Rio Negro is exceedingly rich. Among the *sylva*, I noticed towering pines and firs, also the oak, the aspen, and the willow; and bordering the stream was a great variety of shrubbery, the hop vine, loaded with its fruit, being intertwined among them. Flowers of rich profusion, and of every hue and delicacy, were also constantly before the eye—upwards of ninety varieties having been picked up since we entered the gorge yesterday. Indeed, we are all in hopes that, yesterday and to-day, we have been having an earnest of what we may yet behold in this part of the world—a rich, well-timbered, and sufficiently-watered country, *a thing I have not seen since I left the confines of the United States.*

Our march to-day is estimated at twelve miles, and we are encamped upon the Sienuilla Chicita, (Little Meadow,) near the Rio Negro, a locality which furnishes good water and grass; and near at hand is an abundance of the *artemisia*, which answers very well for fuel. For a view of the Sienuilla from the west face of the mountain, see plate 46. Its soil is very rich.

Carravahal informs me that the governor of New Mexico, some years since, attempted to make his way into the Navajo country through the pass we have been threading, and was driven back.

Gregg also, in his "Commerce of the Prairies," probably refers to the same pass in the following passage:

"Towards the close of 1835, a volunteer corps, which most of the leading men in New Mexico joined, was raised for the purpose of carrying war into the territory of the Navajos. The latter, hearing of their approach, and anxious no doubt to save them the trouble of so long a journey, mustered a select band of their warriors, who went forth to intercept the invaders in a mountain pass, where they lay concealed in an ambuscade. The valiant corps, utterly unconscious of the reception that awaited them, soon came jogging along, in scattered groups, indulging in every kind of boisterous mirth; when the war-whoop, loud and shrill, followed by several shots, threw them all into a state of speechless consternation. Some tumbled off their horses with fright; others fired their muskets at random; a terrific panic had seized everybody; and some minutes elapsed before they could recover their senses sufficiently to betake themselves to their heels. Two or three persons were killed in this ridiculous engagement—the most conspicuous of whom was a Captain Hinófos, who commanded the regular troops."—(Pages 288, 289.)

Hosta, to-day, has been treating us again with some more of his traditional lore. The French (so he says) once attempted to subdue the aboriginal Mexicans, and failed. The Spaniards then came, and succeeded. The latter began to brag of their guns, by which they had accomplished the conquest. Montezuma, hearing of it, said they had no reason to do this, for he could bring a bigger gun than they could. "Why, what can your gun do?" remarked he to the Spaniards. "It can make a hole through a tree," was the reply. "Well," says Montezuma, "mine can split a tree from top to bottom. Now, show me what yours can do?" So

the Spaniards shot at a tree and made a hole in it. Montezuma, seeing this, then called down his thunder from the clouds and shivered it from top to bottom!

A series of astronomical observations make the latitude of this camp $36^{\circ} 2' 7''$; its longitude, $109^{\circ} 5' 45''$.

Seventeenth camp, September 4.—The weather, during the nights, ever since we left the Puerco, has been quite cold; during the day, on the contrary, it has been generally pleasantly warm—occasionally very warm.

Four Navajos had a talk with Sandoval outside the line of sentinels this morning. Subsequently, four more came to the conference. They all, however, being unimportant men, nothing came out of it.

Our route to-day, more winding than usual, has been generally west of north. The distance marched was 13.43 miles. For the first half of the distance, the *Sierra Rayada* was immediately on our left; and throughout the whole of it, the *Sierra de Sienequilla* was immediately on our right. These mountains are of a basaltic trap character, in some instances resembling very much the palisades on the Hudson river. This trap is apparently the effect of protrusion, rather than of overflow, and is more irregular in its outlines than that I have already noticed as characterizing the country west of the Rio de Jemez.

At about six miles from our last camp, immediately on the right of the road, I observed a well-marked dike of trap rock, its course being north or east and it leaning slightly towards the north. It exhibits itself in an outcrop of detached blades, some of them being from thirty to forty feet above the plain, and about three feet thick. (See sketch in plate 47.) The soil from which it projects is of a reddish argillaceous character. This outcrop, it is obvious, must have been the effect of protrusion from below, and at a time when there were rocks against it to prevent an overflow; and these adjacent formations must since have been either decomposed or have sunk.

About half a mile further, we crossed a shallow stream of very good water, running southwestwardly, good grazing being apparent along it. Seven and a half miles from our last camp, we passed on our left a very rich field of wheat, the stalks averaging five and a half feet high, the heads very full, and the grains plump and large. A mile and a half further, another streamlet comes in from the northeast and crosses the route. I noticed, also, in the vicinity of this stream, some good grazing.

Ten miles from our last camp, we met a very steep rocky ascent of about fifty feet in altitude, where the men had to assist at the guns. A mile further brought us to the *Sienequilla de Juanita*, (Little John's Meadow,) the soil of which, of considerable area, and of a rich mellow calcareo-argillaceous character, looks as if it might produce well. Lignous petrifications, and carbonate of lime, in lamellar pieces, of a satin aspect, in fracture, probably the result of tufaceous deposit, lie scattered over the surface. I noticed, also, a great deal of horse ordure lying about, indicating that the *Sienequilla* is a favorite resort for these animals. Running through the *Sienequilla*, in a southerly direction, and probably in the Cañon de Chelly, is the *Rio de Juanito*, a stream, of a sandy bottom, fifty feet wide, and of a few inches in depth, upon which we are encamped. The water of this stream, which is probably constant, is good; and the neighborhood furnishes proper grass and fuel.

The *syba*, to-day, has been the large yellow pine and the piñon—wil-

lows fringing, in places, the streams. Signs of large droves of sheep have been noticed. Prairie dog towns, and rattlesnakes, their concomitants, though not so common as on the great plains intermediate between the United States and this country, are occasionally to be met with. Just before reaching camp, we crossed a well-beaten Navajo trail, running north and south.

It is very interesting to see the picket-guard, composed entirely of *Pueblos*, gathered around the commanding officer's tent every evening, to receive from him their instructions for the night. Habited as they are, with their blankets thrown around them, their *white* turbans (assumed to distinguish them from the enemy, who generally wear *red*) encircling their heads, their rifles lying in their arms, or their bows and quivers slung to their backs, their attitude that of respectful attention, they present a group of a very interesting character. These people possess a great deal of native ease and dignity; and in their calm, reflective countenances, I think I can perceive a latent energy and power, which it requires only a proper political and social condition to develop and make useful.

Some more Navajos (uninfluential men) have had a talk this afternoon with Sandeval, outside the line of sentinels. The word is, as usual, that they want peace; but the official persons, the chiefs, not presenting themselves to obtain it, the colonel commanding is determined to push on to Chelly, the heart of their country, and dictate the terms there. Besides, according to his original design, he is anxious to meet Captain Ker, who, with his command, from information obtained from a chief at the last council, he is disposed to think must have pushed on to that place.

The resulting latitude of this camp, from a series of observations, is $36^{\circ} 10' 36''$; the longitude, $109^{\circ} 12' 15''$.

Eighteenth camp, September 5.—This morning, a party, composed of Colonel Washington, Mr. Calhoun, Mr. Collins, Major Kendrick, Lieutenant Dickerson, the two brothers Kern, and myself, visited the head of the renowned Cañon of Chelly, lying southwest about five miles distant from our last camp. This cañon has been for a long time of distinguished reputation among the Mexicans, on account of its great depth and impregnability—the latter being not more due to its inaccessibility than to the fort which it is said to contain. This fort, according to Carravahal, is so high as to require fifteen ladders to scale it, seven of which, as he says, on one occasion, he ascended, but, not being permitted to go higher, he did not see the top of it.

On reaching the cañon, we found it to more than meet our expectations—so deep did it appear, so precipitous its rocks, and so beautiful and regular the stratification. Its probable depth I estimate at about eight hundred feet. At its bottom a stream of water could be seen winding its way along it, the great depth causing it to appear like a mere riband. (See sketch in plate 48.)

As far as time would permit an examination, for a depth of about three hundred feet—I could descend no further, on account of the wall becoming vertical—the formation appeared to be sandstone, horizontally stratified with drift conglomerate. At this depth I found protruding horizontally from the wall, its end only sticking out, a petrified tree of about a foot in diameter, a fragment of which I broke off as a specimen. How did this tree get there? I also picked up at this point, upon the shelf on which I was standing, a species of iron ore, probably red hemalite. The colonel

commanding returning to camp, after a cursory look at the cañon, in order to put the troops in motion for the day's march, I had not the time necessary to make the full examination which I would have liked. I saw, however, enough to assure me that this cañon is not more worthy of the attention of the lover of nature than it is of the mineralogist and geologist. The whole party returned to camp greatly pleased with this offset excursion, and promise themselves still greater delight when, on their reaching the mouth of the cañon, they will have more time to examine it.

In consequence of the excursion this morning, the troops did not move till about 9. Our course for the day was generally west of north. Two and a half miles from our last camp, we passed on our right a cylindrical mass of trap rock protruding from the summit of the mountain ridge, the outcrop being probably as much as one hundred and fifty feet high. This singular landmark was seen yesterday before reaching camp. Two and a half miles further can be seen, also, immediately on the right of the road, a dike of trap rock ranging very nearly east and west, its eastern terminus of the form of a semi-conical abutment, about five hundred feet in protrusion from the plain below. A portion of this dike is perfectly columnar in its details.

Five and a half miles on our route, we reached the brow of a valley running generally north and south, it being apparently hemmed in at the north, nearest to us, by a range of secondary mountains, and further off by *mesa* heights. The former are of rounded form, and, on account of their white ground being sprinkled with the evergreen cedar, have a motley aspect. The latter present a beautiful facade-like appearance, and are of a deep red color. The intervening valley, on account of the copse-like character of its *sylva*, in contrast with the barren wastes which we traversed on the east side of the Tumecha ridge, was very refreshing to us.

Having marched 7.39 miles, we came to the creek upon which we are encamped. This creek is a clear stream of good water, ten feet wide by half a foot deep, coursing west of south, over a clean and pebbly bottom, and presenting here and there rapids and cascades as delightful to the eye as they are rare in the country. Upon its margin we find a sufficiency of grass for our animals.

The road to-day has been generally good, there having been but two steep hills, which detained the artillery but a short while. The soil has been of an argillaceous character, and in the valleys always appeared to be fertile; the timber, which has been pine and cedar, of a large growth; a few large oaks were also seen. The *artemisia*, as usual, has been the chief, and almost the only, plant, especially upon the uplands.

Twenty-five Mexicans were sent out this afternoon to examine, with Canavahal, the river ahead for a few miles. They had not proceeded, however, more than a mile, when, seeing three or four of the enemy, their hearts failed them, and they returned to camp. Some Pueblos were then added to the party, and the whole put under the charge of Lieutenant Torres. The party returned at about dusk, and report the road good for eight miles, excepting one steep hill, which, however, Lieutenant T. thinks practicable.

Nineteenth camp, Chelly, September 6.—The troops decamped at 6 this morning—an hour earlier than usual, on account of an anticipated long march without water. Our route, though curving considerably towards the north, has been generally a little south of west.

At the respective distances of six and a half, twelve, thirteen, thirteen and a half, sixteen and a half, sixteen and three-quarters, and eighteen miles, we crossed some deep rocky *arroyos*, the first detaining the artillery three-quarters of an hour, the fourth three-quarters of an hour, and the last an hour. The artillery to-day have been obliged to work harder than they have done any day since they started on the expedition. They, however, appear to be equal to any emergency, and, though detained, at times, necessarily, on account of difficulties, they are always sure to be getting along in due time. The infantry, under Captain Sykes, from the commencement of the march, have constantly preserved a compact, effective form, and have ever appeared as a *unit*, to be wielded by their leaders with precision and power.

The country to-day has been rolling—almost, indeed, broken—belts and clusters of trees, and sometimes solitary ones, diversifying its face. Piñon, yellow pine, and cedar have been the *sylva*—acres of the latter occasionally being dead; the cause not obvious. The *artemisia* has been the chief *flora*. The cactus, which hitherto has been seen but seldom, to-day was more prevalent.

When two miles on our route, looking back, a fine view presented itself, made up of mountains, beautifully variant in outline, prominent peaks here and there in the background, and, intermediate between them and myself, the troops—horsemen, footmen, and artillery—their arms glittering under the glancing rays of a morning sun, and a cloud of dust betokening their approach.

A mile and a half further, some beautiful red bastion-like rocks appeared, two miles distant, on our right, capped with a whitish armorphous formation. Fifteen miles from our last camp, on our right, we noticed two very singular *mésa* formations, one of them looking like a high square fort, and discovering, by the daylight which could be seen through it, the appearance of a tunnel running horizontally through and through.

Though not expecting to find water along the way, thirteen and a half miles from our last camp we met some, in deep pools, in a rocky *arroyo* which we crossed. Here may be seen some singular-shaped basins and arches, all the effect of the erosive influence of water upon sandstone formation.

Innumerable signs of stock, principally of sheep, have been seen along the route; and the road we have been travelling looks as if it might be one of the great thoroughfares of the nation.

One of the pack animals to-day falling too far in rear of the main body of the command, the soldier in charge, seeing a Navajo near, and at the same time a dust in rear, as if made by a host of the enemy approaching, thought that discretion was the better part of valor, and, leaving his pack, fled. The force in rear, however, proving to be the Mexican cavalry, and Lieutenant Dickerson happening at the time to be with them, he directed a chase after the Navajo, who by this time had got possession of the pack animal, and was appropriating the contents of its pack to himself. Lieutenant Dickerson informs me that he got five distinct shots at the fellow with his revolver, and, though he was not able to bring him to a surrender, was, nevertheless, successful in causing him to leave the animal and his pack.

It was somewhat exciting to observe, as we approached the valley of *Chelly*, the butts of the enemy, one after another, springing up into smoke and flame, and their owners scampering off in flight.

Just after dark, after crossing an extensive *down* or sand drift, we reached our camping-ground, in the valley of Chelly; and, much to our disappointment, after a hard day's march of 26.45 miles, we are obliged to spend the night without water. The cornfields among which we are encamped furnish, however, an abundance of forage for the animals, and fine roasting ears for the men; but the great beverage of the soldier in his marches—coffee—will, in most instances, have to be dispensed with.

Nineteenth camp, Chelly, September 7.—The fires of our camp were all, yesterday, at dark, from motives of military expediency, extinguished—a phenomenon which doubtless was not without its moral effect upon the enemy, who are hovering around us.

This morning, a couple of Navajos—one of them a chief—were brought into camp by Sandoval, both of them embracing Colonel Washington and Mr. Calhoun, apparently, with a great deal of good will. The chief, whose name is *Mariano Martinez*—habited as he was in a sky-blue-blanket greatcoat, apparently of American manufacture, and not unlike my own; a tarpaulin hat, of rather narrow brim, and semispherical crown; buckskin leggins and moccasins; bow and quiver slung about him; a pouch and knife at his side; and possessing a sombre cast of countenance, which seemed to indicate energy and perseverance combined—appeared like a man who had naturally risen up by virtue of the energy of his character, and, from the effects of a marauding life upon a civilized community, had become impressed with the jacobin look which he at the time discovered. (See a sketch of this chief in plate 49.) The conversation which passed between these chiefs and the colonel commanding was as follows:

Colonel Washington. Who is this man? (referring to Martinez.)

Interpreter. He is the principal chief of the Navajos.

Colonel Washington. Tell him, when a chief wishes to talk with me, by making known his intentions by a white flag, he will be conducted safely into camp; but that everybody else must keep a mile off, or else be liable to be shot.

Are he and his people desirous of peace?

Interpreter. He says they are.

Colonel Washington. Tell them, if they are, they can easily obtain it by complying with the terms of the treaty which they have made, and that the sooner they do comply with them the better it will be for them, as less of their property will be wasted and destroyed.

Interpreter. His reply is, that they will bring in all they have stolen, and comply with the treaty.

Colonel Washington. Mr. Collins, where is the list of the property to be restored under the treaty?

Mr. Collins. Here it is, sir.

Colonel Washington. Add to it that which has been stolen from us on the march.

Mr. Collins. Here it is, sir, with the additions made.

Colonel Washington. Tell the chief the stolen property which the nation is required to restore is 1,070 head of sheep, 34 head of mules, 19 head of horses, and 78 head of cattle.

Interpreter. The cattle, the chief says, he knows nothing about; the Apaches must have stolen them.

Colonel Washington. Tell him that, if this should afterwards prove to be true, the cattle will be paid for.

Interpreter. He says, if he cannot bring in the same cattle, he will bring in others to supply their place.

Colonel Washington. When can the chiefs collect here to make a treaty with me?

Interpreter. He says the day after to-morrow.

Colonel Washington. Tell him that will do; and that, when the treaty is made with them, all the property the troops have taken, they will be compensated for. And there was one more thing he would say: that, if they now entered into a treaty with him in good faith, it would result in blessings upon him and his people; but if they did not, it would result in their destruction.

Interpreter. The chief replies that his people will do all he has promised.

Colonel Washington. Tell him the talk is good.

The conference ended, the chief and his attendant, *a la mode Mexicaine*, again embraced Colonel Washington and Mr. Calhoun very impressively, and apparently with much *endearment*.

To-day, by digging several pits five feet deep in the *arroyo* of the valley, a sufficient supply of good water has been obtained for the camp.

The latitude of this camp, by a series of astronomical observations, is found to be $36^{\circ} 9' 4''$; its longitude, $109^{\circ} 42' 30''$.

Nineteenth camp, Chelly, September 8.—Early this morning, a Mexican captive, of about 30 years of age, came into camp to see the colonel commanding. He represented that he was stolen by the Navajos seventeen years ago, and that he did not now wish to be restored to his people again. Indeed, he did not as much as ask about his friends, who, I am informed, are now living at Santa Fe—from the vicinity of which he was stolen, whilst tending sheep. He is a very active, intelligent-looking fellow, and speaks like a native born Navajo—having all their characteristics, in dress, conversation, and manners.

Agreeably to the orders of the colonel commanding, I left camp at 7½ o'clock this morning to make a *reconnaissance* of the renowned Cañon of Chelly. In addition to my assistants, the two Kerns and Mr. Champlin, there were in company an escort of about 60 men—Brevet Major Kendrick being in command, assisted by Captain Dodge. Lieutenants Ward, Dickerson, Jackson, and Brown, as also Assistant Surgeon Hammond and Mr. Collins, accompanied the party. Our course for nearly two miles, as far as the mouth of the cañon, was east of south, and up the valley of Chelly. The soil of this valley, which is generally very sandy, is in spots quite fertile—on an average, a belt of probably half a mile in breadth being planted in corn. The cane, also, I noticed growing very luxuriantly in places. The whole breadth of this valley is about three miles.

Reaching the mouth of the Cañon of Chelly, we turned to the left to go up it. Its escarpment walls at the mouth we found low. Its bottom, which in places is as little as one hundred and fifty feet wide, though generally as wide as three or four hundred feet, is a heavy sand. The escarpment walls, which are a red amorphous sandstone, are rather friable, and show imperfect seams of stratification—the dip being slight, and towards the west.

Proceeding up the cañon, the walls gradually attain a higher altitude,

till, at about three miles from the mouth, they begin to assume a stupendous appearance. Almost perfectly vertical, they look as if they had been chiselled by the hand of art; and occasionally cizous marks, apparently the effect of the rotary attrition of contiguous masses, could be seen on their faces.

At the point mentioned, we followed up a left-hand branch of the cañon—this branch being from one hundred and fifty to two hundred yards wide, and the enclosing walls continuing stupendous. Two or three patches of corn, intermingled with melons, pumpkins, and squashes, were met with on the way.

Half a mile up this branch, we turned to the right, up a secondary branch, the width of which was rather narrow. This branch shows rocks, probably as high as three hundred feet, almost perfectly vertical, and in some instances not discovering a seam in their faces from top to bottom. About half a mile up this branch, in the right-hand escarpment wall, is a hemispherical cave, canopied by some stupendous rocks, a small, cool, acceptable spring being sheltered by it. A few yards further, this branch terminates in an almost vertical wall, affording no pathway for the ascent or descent of troops. At the head of this branch I noticed two or three hackberry trees, and also the *stramonium*, the first plant of the kind we have seen.

Retracing our steps to the primary branch we had left, we followed it up to its head, which we found but two or three hundred yards above the fork—the side walls still continuing stupendous, and some fine caves being visible here and there within them. I also noticed here some small habitations, made up of natural overhanging rock, and artificial walls, laid in stone and mortar—the latter forming the front portion of the dwelling.

Having got as far up the lateral branches as we could go, and not yet having seen the *famous* fort, we began to believe that, in all probability, it would turn out to be a fable. But still we did not know what the main cañon might yet unfold, and so we returned to explore it above the point or fork at which we had left it. Starting from this point, our general course lay about southeast by east. Half a mile further, or three and a half miles from the mouth of the cañon, on its left escarpment, I noticed a shelving place where troops (but not pack animals) could ascend and descend. Less than a mile further, I observed, upon a shelf in the left-hand wall, some fifty feet above the bottom of the cañon—unapproachable except by ladders, the wall below being very nearly vertical—a small pueblo ruin, of a style of structure similar, to all appearances, to that found in the ruins on the Chaco. I also noticed in it a circular wall, which, in all probability, has been an estufa. The width of the cañon at this point is probably from two to three hundred yards wide, the bottom continuing sandy and level. And, what appears to be singular, the sides of the lateral walls are not only as vertical as natural walls can well be conceived to be, but they are perfectly free from a talus of debris, the usual concomitant of rocks of this description. Does not this point to a crack or natural fissure as having given origin to the cañon, rather than to aqueous agents, which, at least at the present period, show an utter inadequacy as a producing cause?

About five miles from the mouth, we passed another collection of uninhabited houses, perched on a shelf in the left-hand wall. Near this place, in the bed of the cañon, I noticed the ordinary Navajo hut, (a conical lodge,) and close by it a peach orchard. A mile further, observing several Nava-

jos, high above us, on the verge of the north wall, shouting and gesticulating as if they were very glad to see us, what was our astonishment when they commenced tripping down the almost vertical wall before them as nimbly and dexterously as minuet-dancers! Indeed, the force of gravity, and their descent upon a steep inclined plane, made such a kind of performance absolutely necessary to insure their equilibrium. All seemed to allow that this was one of the most wonderful feats they had ever witnessed.

Seven miles from the mouth, we fell in with some considerable pueblo ruins. These ruins are on the left or north side of the cañon, a portion of them being situated at the foot of the escarpment wall, and the other portion upon a shelf in the wall immediately back of the other portion, some fifty feet above the bed of the cañon. The wall in front of this latter portion being vertical, access to it could only have been obtained by means of ladders. The front of these ruins measures one hundred and forty five feet, and their depth forty five. The style of structure is similar to that of the pueblos found on the Chaco—the building material being of small, thin sandstones, from two to four inches thick, imbedded in mud mortar, and chinked in the facade with smaller stones. The present height of its walls is about eighteen feet. Its rooms are exceedingly small, and the windows only a foot square. One circular estufa was all that was visible. For a sketch of these ruins, with the stupendous rocks in rear and overhanging them, see plate 53; and for a sketch of the pottery picked up about them, see plate 54.

Half a mile above these ruins, in a re-entering angle of the cañon, on its left side, are a peach orchard and some Navajo lodges. Proceeding still further up the cañon, the walls, which yet preserve their red sandstone character, but which have increased in the magnificence of their proportions, at intervals present *facades* hundreds of feet in length, and three or four hundred in height, and which are beautifully smooth and vertical. These walls look as if they had been erected by the hand of art—the blocks of stone composing them not unfrequently discovering a length in the wall of hundreds of feet, and a thickness of as much as ten feet, and laid with as much precision, and showing as handsome and well-pointed and regular horizontal joints, as can be seen in the custom-house of the city of New York.

About eight miles from the mouth of the cañon, a small rill, which below this point had lost itself in the sandy bottom of the cañon, appears above ground; and about five hundred yards further, on the right-hand side, is a lateral cañon, in which we saw another peach orchard.

Having ascended the cañon nine and a half miles, the horses of the Pueblos in company with us not being strong enough for a further exploration, there being no prospect of our seeing the much-talked-of *presidio* or fort of the Navajos, which had all along been represented to us as being near the mouth of the cañon, and the *reconnaissance* having already been conducted further than Colonel Washington had anticipated would be found necessary, the expedition returned to camp, highly delighted with what they had seen. We found, however, the further we ascended it, the greater became the altitude of its enclosing walls—this altitude, at our point of returning, being (as I ascertained by an indirect measurement) five hundred and two feet. The length of the cañon is probably about twenty-five miles. Its average width, as far as we ascended it, may be estimated at two hundred yards. For a view of the cañon, as seen from the lateral branch eight miles above its mouth, see plate 55.

Both in going up and returning through the cañon, groups of Navajos and single persons were seen by us, high above our heads, gazing upon us from its walls. A fellow upon horseback, relieved as he was sharply against the sky, and scanning us from his elevation, appeared particularly picturesque. Whenever we met them in the cañon, they appeared very friendly—the principal chief, Martínez, joining and accompanying us in our exploration, and the proprietors of the peach orchards bringing out blanket-loads of the fruit (at best but of ordinary quality) for distribution among the troops. Indeed, the chief admonished his people, as they stood gazing upon us from the heights above, to go to their homes and give us no trouble.

I noticed the cross, the usual emblem of the Roman Catholic faith, stuck up but in one instance in the cañon; and this is the only one I have seen in the Navajo country.

Should it ever be necessary to send troops up this cañon, no obstruction would be found to prevent the passage of artillery along its bottom. And should it at the same time, which is not at all unlikely, be necessary that a force should skirt the heights above to drive off assailants from that quarter, the south bank should be preferred, because less interrupted by lateral branch cañons.

The mystery of the Cañon of Chelly is now, in all probability, solved. This cañon is, indeed, a wonderful exhibition of nature, and will always command the admiration of its votaries, as it will the attention of geologists. But the hitherto-entertained notion that it contained a high insulated plateau fort near its mouth, to which the Navajos resorted in times of danger, is exploded. That they may have had heights upon the side walls of the cañon, to scale which would require a series of *fourteen ladders*, is indeed probable; for it would require more than this number to surmount the height we measured.

I did expect, in ascending the cañon, to find that the Navajos had other and better habitations than the conical pole, brush, and mud lodge which, up to this time, we had only seen. But none other than these, excepting ruined ones, the origin of which they say they know nothing about, did we notice. Indeed, a Mexican who is a member of the command, and who was a captive among them, says they have no other habitation. In the summer, he informs us, they live wherever the cornfields and stock are. In the winter, they take to the mountains, where they can get plenty of wood. As yet, we have not met a single village of them—it appearing to be their habit to live scatteringly, wherever they can find a spot to plant corn or graze stock. The necessity of living more densely, probably, has not heretofore existed, from the feeling which they doubtless have had up to this period that the inaccessibility of their country was a sufficient barrier to the intrusion of an enemy.

It seems anomalous to me that a nation living in such miserably-constructed mud lodges should, at the same time, be capable of making, probably, the best blankets in the world!

Gregg, in introducing his remarks relative to their skill in this kind of manufacture, holds the following language:

"They (the Navajos) reside in the main range of the Cordilleras, one hundred and fifty to two hundred miles west of Santa Fe, on the waters of Rio Colorado of California, not far from the region, according to historians, from whence the Aztecs emigrated to Mexico; and there are many reasons to suppose them direct descendants from the remnant,

which remained in the north, of this celebrated nation of antiquity. Although they live in rude *jacales*, somewhat resembling the wigwams of the Pawnees, yet, from time immemorial, they have excelled all others in their original manufactures; and, as well as the Moquies, they are still distinguished for some exquisite styles of cotton textures, and display considerable ingenuity in embroidering with feathers, the skins of animals, according to their primitive practice. They now, also, manufacture a singular species of blanket, known as the Sarape Navajo, which is of so close and dense a texture that it will frequently hold water almost equal to gum-elastic cloth. It is therefore highly prized for protection against the rains. Some of the finer qualities are often sold among the Mexicans as high as fifty or sixty dollars each.”*

As regards the hypothesis which Gregg advances in the above, that the Navajos are the direct descendants of the Aztecs, it is possible they may be. But if, as is likely, and as Gregg also supposes, this ancient people once inhabited the pueblos, now in ruins, on the Chaco, how is it that they have retrograded in civilization in respect to their habitations, when they have preserved it in their manufactures?

I know of but two ways to account for it. Either the Navajos are descended from a cognate stock, *prior* to that which built the Chaco pueblos, which stock lived, as the Navajos do now, in lodges—and this agrees with the tradition given by Sandoval†—or, in process of time, the cultivable and pastoral portion of the country becoming more and more reduced in area, and scattered in locality, the people of necessity became correspondingly scattered and locomotive, and thus gradually adopted the habitation most suitable for such a state of things—the lodge they now inhabit.

In regard to the manufacture of *cotton* fabrics, in which, according to Gregg, they excel, we observed no evidences at all of this species of manufacture among them, nor any signs of the domestic culture of the plant from which, rather than from a foreign source, they would be most likely to draw the raw material.‡

In regard to the manufacture of *plumage*, or feather-work, they certainly display a greater fondness for decorations of this sort than any Indians we have seen; but, though they exhibit taste in the selection and disposition of this kind of ornament about their persons, I saw no exhibition of it in the way of embroidery.

In respect to the population of the Navajo nation, it has been impossible for me to arrive at anything like an approximation of it. Indeed, if the few we have seen bear a proper proportion to the whole number contained in the country, the extent of this population has been greatly exaggerated. But I prefer to believe that, as a nation, they live much scattered, and that those through whose precincts we have passed have studiously avoided us. All things considered, then, I would estimate the population from eight thousand to ten thousand souls: this last number is Gregg’s estimate.

As regards their stock, so far as I could observe, and from what the reclaimed Mexican captive before referred to has told me, I should say that it consisted mainly of sheep and horses—mules and cattle forming but an

* Commerce of the Prairies, vol. I, pages 285 and 286.

† *Ante*, August 28.—Discussion of the origin of the Chaco ruins.

‡ Since writing the above, on inquiry, I learn from Señor Vigil, secretary of the province, that the Navajos (he has been in their country) formerly manufactured a few cotton fabrics from the raw material, which they were in the habit of importing from Santa Fe and other places; but that this species of manufacture has now almost, if not entirely, ceased.

inconsiderable portion of it. We have as yet, however, not fallen upon a drove of either of these animals—which the Mexican explains by saying that they have, the better to conceal them from the troops, been driven to the mountains. Innumerable signs of sheep, however, have been seen by us. Their horses, though generally better than those to be seen among the New Mexicans, and capable of long and rapid journeys under the saddle, are not, in my judgment, near as fine as what I have seen among the Comanches; and in all these cases they are far inferior to our own, in point of bulk and power.

Nineteenth camp, Chelly, September 9.—To-day, the two chiefs, Martino Martinez and Chapaton, the latter the chief of the San Juan Navajos, (see his portrait in plate 50,) have been in, on the part of the nation, to deliver up some of the captives, stock, and other property required to be delivered according to the treaty made by Colonel Nuby, and also to enter into a more comprehensive and complete treaty. A large portion of this property not being immediately available, as they said, on account of the distance whence it had to be brought, the colonel commanding, with their consent, appointed a limited period—thirty days—in which all that yet remained outstanding was to be delivered up at Jemez. The murderer of a citizen of Jemez was, as soon as he could be apprehended, to be turned over to the governor at Santa Fe.

The parties there entered into a treaty, by which the government of the United States assumed the paternal control it has been in the habit of exercising over the tribes of Indians within or bordering upon its domain; and the Navajo nation, on its part, through its head chiefs, Martinez and Chapaton, who represented that what they did was binding on the whole nation, gave their full and unequivocal assent to all its terms. Particular care was taken, both by the colonel commanding and the Indian commissioner, to make the chiefs comprehend the full import of the treaty to which they were invited to give their assent. And, to be certain that all was done that could be done to insure this, each and every officer present was appealed to to know whether he considered the treaty had been sufficiently explained; to which they all, without exception, responded in the affirmative.

All that could be accomplished by the expedition, then, may be considered as having been accomplished. A full and complete treaty has been made with the Navajos, by which they have put themselves under the jurisdiction and control of the government of the United States, in the same manner and to the same extent as the tribes bordering the United States. The portion of the captives and stolen property near enough to be made available have been given up, and the remainder has been promised to be restored within a determinate period. Added to this, what is of no inconsiderable value, the troops have been enabled to penetrate into the very heart of their country, and thus a geographical knowledge has been obtained which cannot but be of the highest value in any future military demonstration it may be necessary to make.

It is true the Navajos may fail to comply with the terms of the treaty. But, whether they comply or not, the fact still remains the same, that a treaty covering the whole ground of their fealty, (the former covered but a few points,) as well in the general as the particular, was necessary, in order to satisfy the public mind, as well as testify to the whole world that, should any future coercion become necessary, it would be but a just retribution; and, in a manner, their own act.

In the afternoon, after the treaty was concluded, quite a number of Navajo warriors, at least a hundred, came within the vicinity of the camp to trade with the troops, seemingly happy that so peaceful a termination had been given to affairs. They were generally armed with bows and lances, and carried also shields. Very few of them had rifles. In some instances they were very handsomely dressed, an appendage of eagle feathers to their helmet-shaped cap adding not a little to the picturesqueness of their appearance. (For a sketch of a Navajo in costume, see plate 52.)

Their principal articles of traffic consisted of blankets of their peculiar and superior handiwork, dressed skins, and peaches.

The blankets, though not purchasable with money, as it is not used as a tender among them, were sold, in some instances, for the most trifling article of ornament or clothing—it being their manner, if they saw anything about your dress which they fancied, and wanted to buy, to point to it, and then to the article for which they were willing to barter it.

There was a Moqui Indian present at the council this morning as a spectator; and a more intelligent, frank-hearted looking fellow, I have seldom beheld. (See a sketch of him in plate 51.) Indeed, it occurred to me that he had all the air and manner of a well-bred, vivacious American gentleman; and the only thing Indian in his appearance was his complexion. His people, whom he represents as living three days' travel from this place, have the *reputation* of being quite intelligent and orderly—it being one of the articles of their political as well as religious creed, that they are at liberty under no circumstances to take human life; and in regard to infidelity on the part of their women, their laws are said to be very stringent. These people, I am informed, herd stock, grow corn, and live in pueblos, of which there are, according to the Moqui present at this time, but three. It is reported that originally they had a greater number of towns; but, one or more of them becoming guilty of shedding human blood, they were on that account excised. Does not this article of their creed, if true, point to a civilized origin? At all events, there is nothing in the features, manners, and general appearance of the Moqui I have seen to belie such an hypothesis, but, on the contrary, a great deal to make it probable.*

Martinez, the principal Navajo chief, brought in a beautiful mule this morning to present to the colonel commanding. The colonel, however, with the remark that it was neither customary nor proper on the part of public officers to receive such presents, graciously declined it.

There having been various contradictory reports among us relative to other American troops having visited Chelly besides Colonel Washington's command, I to-day inquired of Martinez whether such was the fact. His reply was, that the first American troops that had visited Chelly were those at present there.

The climate of this valley we find much milder during the night than that we have heretofore experienced since leaving Jemez.

*It is proper, however, to state, that Señor Vigil, who has twice visited these people, says he knows nothing of this peculiar article of their faith. He knows, however, that, though they are a docile people, they once were in a defensive war with the Navajos, against whom they used the bow and arrow. I suspect, when the exact truth is known with regard to these people, it will be found that, though inclined to a state of peace, they are not so disinclined to war as not, under coercive circumstances, to stand up, even at the risk of bloodshed, to defend their lives and property.

Twentieth camp, September 10.—Colonel Washington learning yesterday from Chapaton that Captain Ker was not on his way to meet him at this place, as he was led at Tumecha, through information from a chief, to believe might be the case, and a report having been received that the Apaches had within a few days made an attack upon the friendly Pueblo Indians of Zufii, and killed a number of them, the programme of operations has accordingly been altered, and our destination is now Santa Fe, by the way of Zufii—the object being to afford this people all the necessary aid which their reported situation demands.

The troops accordingly took up their line of march from Chelly at 7 a. m., the general course for the day being southeast. For the first two miles our route lay up the valley of Chelly, and then turned more eastwardly, it at this point commencing the ascent of a species of *mésa*, or rather upland. Three miles further, the road approximates within a few yards of the Cañon of Chelly. To this point the road is exceedingly rocky and hilly; but these hills can in all probability be avoided by continuing up the valley of Chelly as far as the opposite point mentioned, and then turning to the left up the *mésa*. (See map.) The country at the point referred to begins to be rolling—scrub pine and a species of spruce, thickly interspersed, constituting the *sylva*. Four miles further, a protrusion of trap rock, looking for all the world like the square tower of a church, with windows, could be seen, bearing northeast, some twelve miles off. Eighteen miles from our last camp, we commenced the ascent of the *Sierra de Laguna*, the slope of which wagons would find some difficulty in overcoming, unless one more easy could be found—a thing not at all improbable—or some labor be expended. The ascent we found to be two miles long—which accomplished, we were on a plateau; a mile more bringing us to our camp-ground for the night, where we find an abundance of wood, a sufficiency of pasturage, but no water.

The soil to-day has been principally of an arid, argillaceous character—the scrub pine and cedar characterizing this portion of the route. Since commencing the ascent of the *Sierra de Laguna*, scrub oak and yellow pine of a large growth have been the *sylva*. *Cacti* have been frequently seen. We crossed a number of heavy Navajo trails; and signs of large droves of sheep were observable. The day's march has been 20.50 miles.

Twenty first camp, September 11.—The troops raised camp at a quarter after 6 a. m., and followed, as yesterday, a well-beaten trail—the general course for the day continuing about southeast. Having proceeded two and a half miles, one of the guards sent in advance yesterday to find water returning and informing the colonel commanding that there was none in a cañon to the left, about five miles off, a detour to the northeast was made by the troops in order to reach it. This cañon is said to be a branch of the Cañon de Chelly; and its banks were so steep as to make it necessary for the animals to be disburdened of their packs to enable them to reach the water at its bottom. The supply we found ample, and it doubtless is constant.

After halting for about an hour, the troops resumed the march, the remaining portion of the day's route continuing slightly more southwardly.

For the first fourteen and a half miles the country is a pine barren, resembling very much in appearance, and in the arenaceous character of its soil, the pine barrens of Florida, excepting that the former is more compact. For the remaining portion of the route, it is a rolling prairie, variegated

with copses of piñon—the soil being of a reddish color, argillaceous in character, and doubtless fertile, if sufficiently watered. Five miles before reaching our present camp, a *mésa* escarpment comes in from the left, and skirts the road on that side for the balance of the way. The walls of this *mésa* are probably from three to four hundred feet in height. Just before reaching camp, a most singular-looking column appears on the left of the road—resembling, when viewed near by, a vase; when remotely, a statue. It is of sandstone formation, and has an altitude of from thirty to forty feet. (See sketch in plate 56.)

Our camp for the night is more pleasant than usual—a small pond or lake, bordered by a margin of green luxuriant grass, being directly in front of us, to gladden our sight; and the beautiful stratified walls of the Cañoncito Bonito, down which we are to turn to-morrow, adding its beauty to the scene. Some ducks, I notice, are constantly hovering around this spot.

The road to-day has been good. The distance marched is 24.83 miles. Several showers of rain have passed around us.

Astronomical observations put this camp in longitude $109^{\circ} 15' 30''$.

Twenty-second camp, September 12.—Failing, on account of a hazy atmosphere, to get my usual astronomical observations last evening, I succeeded, after the exercise of a great deal of patience, to get a few barely tolerable ones after midnight.

The command left this excellent camp-ground at seven a. m.—its general course for the day being a trifle west of south. Immediately on resuming the march, we turned short to the left, or eastwardly, to thread the *Cañoncito Bonito*, (Beautiful Little Cañon.) This cañon, which is about a quarter of a mile in length, is, on account of its high enclosing walls, and the well-defined character of their stratification, beautiful. The walls, which are nearly vertical, are probably from three to four hundred feet high. Their formation is a red friable sandstone—the stratification, which discloses a dip of about ten degrees towards the east, as also the line of cleavage, being very distinctly marked. The width of the cañon is about one hundred feet, a small stream finding its way through its bottom. This cañon differs from that of Chelly, in the face of its walls not being so smooth, in not presenting as large unstratified masses, and in having a *talus* of *debris* at the foot of the walls.

This cañon passed through, the route turned almost due south—following, for the remaining portion of the day, a succession of wide, shallow, fertile valleys, which are generally bordered on their eastern side by escarpment walls of a white and red sandstone formation.

Just after we debouched from the *Cañoncito Bonito*, a most singular prospect of detached turret-like rocks appeared skirting the valley just referred to on its eastern side. And down the valley, in a more southerly direction, a trap dike of a striking character presented itself, a short distance to our front. For a sketch of this view, see plate 37. This dyke, on examination, I found to present a most interesting exhibition of igneous action and vertical protrusion. Its height above the plain is some three or four hundred feet; its breadth, one hundred and fifty; and its length, about two hundred yards. Its strike is nearly due east. Here can be seen, in the same formation, rocks that have been once perfectly fused, and then cooled under pressure, the effect being to make them more dense; rocks that have been fused, and then cooled under the pressure only of the atmosphere, the effect being to make them scoriaceous; and

rocks that look as if they had not been fused, but merely baked. I noticed also here, in a sort of cave, a large mass of the same kind of black, agglutinated, pitchy substance I have already described as having been seen, August 24, in the rocks of the *Cañon de la Copa*. It was here, as there, intermingled with bits of straw, &c. These are the only trap rocks we have seen near our route since we left our eighteenth camp.

About nine miles from our last camp, on the route, is *Sieneguilla de Maria*, where we found some very cold water, and grass of an excellent quality. The supply of water here is probably perennial. Three miles further, some very singular whitish abutment rocks, probably of sandstone, are to be seen on the left, jutting out from among rocks of a sandstone character and red color. The difference in the complexion and shape of the former of these rocks indicates a superior hardness, in the formation of which there are prominences. Four miles further, just to the right of the road, appears a beautiful exhibition of horizontal stratification, terminating in one of a bent, semicircular character—the strata (red stone) in the last case being concentric, like the coatings of an onion, and disclosing themselves both by a side and end view. Eighteen miles from our last camp, we crossed a rough, bad place, where some little labor would be required to make it practicable for wagons. Two miles further, immediately on the left of the road, are two enormous hemispherical masses of solid sandstone rock, the radius of one of them being about one hundred feet.

After a march of 23.02 miles, reaching a babbling streamlet of excellent water, which heads in a spring not far distant, and the vicinity affording fine pasturage and plenty of fuel, we encamped.

The soil to-day along the route has been of an argillaceous character, and looks as if it might produce well. As usual, pine and cedar, of rather a scrub growth, have constituted the timber. A deer was killed by a soldier this morning, after running the gauntlet of numerous shots from the command—myself, among the number, throwing away a pistol shot. This is the first deer which has been killed by any of the party. The scarcity of this kind of game may therefore readily be inferred. Indeed, a more wretched country for game of every kind I have never seen than that we have been traversing since we left Santa Fe. A rattlesnake was also killed to-day, and a wildcat is reported to have been seen. I noticed to-day, for the first time on the march, a flock of blackbirds. I have also seen along the route a species of swallow different from anything of the kind I have ever before met with. It is peculiar in being, a large portion of it, both on its back and its belly, white. It probably is a bank swallow.

It is reported that there is a wagon-route from *Cañoncito Bonito* to the Pueblo of Jemez; but, as I have no certain knowledge of its existence, and none at all of its location, I cannot even trace it generally on my map.

The longitude of this camp, by observation, is found to be $109^{\circ} 18' 30''$.
Twenty-third camp, September 13.—In consequence of a settled, steady rain, nearly all last night—a thing uncommon in this country—the troops did not raise camp to-day till about noon. Our route to-day has been a little east of south, through a narrow valley, skirted on the left by a red sandstone escarpment, and on the right by a height, sloping gently towards the valley.

Two miles on the way, to the right of the road, a cañon comes in from

the southwest, exhibiting some red sandstone rocks, beautifully stratified in curves, very similar to those of the cycloid reversed.

Just before reaching camp, we noticed to the left of the road a singular combination of swelling buttresses, vertical piers, and caves, and surmounting the whole a natural sandstone formation, having very much the appearance of a tankard. The cover, as well as the handle, was perfect in outline—the latter appearing not a little like the imbodiment of William Penn. (See sketch in plate 58.)

A few hundred yards from this, in the direction of our progress, a beautiful view opened upon us, made up of finely-stratified and variegated rocks, and a refreshing green valley, interspersed with copses of cedar.

The soil to-day has been argillaceous, and looks productive. The *sylva* has been large yellow pine, cedar of a medium size, and a few scrub oaks. The *artemisia* has been very common. Limestone boulders have been seen to-day for the first time since we left the valley of the *Rio de Jemez*. Fragments of pottery are found about our present encampment, as they have been about others; and, what seems strange, and has occurred at other points, is, that you not unfrequently find it in localities where you would not suppose anybody would ever think of having a habitation.

Our encampment to-night appears peculiarly beautiful. The heavens are deeply blue; the stars shine resplendently bright; the bivouac fires mark well the form and extent of the camp; and peacefully ascending can be seen the blue smoke—the whole forming, in combination with the general cheerfulness which pervades all nature, both animate and inanimate, a most pleasing picture. Indeed, this cheerfulness has been a general characteristic of our encampments ever since we began the march.

The water near our camp, which is in small pools, can only be relied on after showers. The grazing is good, and wood abundant.

Some cutting of cedars along the route to-day would probably be required to make it practicable for wagons.

Twenty-fourth camp, September 14.—The march was resumed at 7 o'clock a. m., the course for the day being about southeast. Two miles on the route, we crossed an *arroyo*, coming in from the north, and coursing through a valley half a mile wide, this valley being skirted on either side by *mesa* heights of red sandstone. The arroyo, I noticed, had a few cotton trees bordering it. Five miles more brought us to a steep hill, about eighty feet high—ascending which, we got out of the valley we had been traversing since we left camp. Wagons, to overcome this hill, would require a slope of easier ascent than the one we followed; and this could be attained by making a road, half excavation and half embankment, along the side of the hill, or, what is very probable, by finding a natural grade at some other locality. Three miles further, another very steep hill, of about one hundred feet in altitude, was surmounted. Here, as at the other hill, a better locality could doubtless be found for a wagon-road, or this one be made practicable, as suggested in relation to the other. The ascent of this hill accomplished, we again descended and crossed another valley, and then a succession of shallow ones, until we reached a cane-brake pond, where, finding a bare sufficiency of water and some good grass, we encamped. The taste of the water, as well as its discoloring effect upon the soil through which it oozes, shows it to be decidedly of a chalybeate character.

Fragments of painted pottery were seen to-day for miles strewed along the road.

The soil, for the first two-thirds of the route, has been argillaceous and fertile; the last third was arenaceous and arid. The *sylva* has been piñon, yellow pine, and cedar. *Artemisia*, as usual, has been very common. Nodules of compact limestone are found on the road eight miles from our last camp, in an argillaceous soil. More labor would be required on the route to-day to make it practicable for wagons than upon any portion since we left Chelly; but still it can be done without a very considerable expenditure of labor.

Our march to-day, though but 12.08 miles, has been, on account of the heat, more exhausting to the men than any day's march we have had.

I find this camp, by astronomical observation, to be in latitude $35^{\circ} 11' 36''$, and longitude $109^{\circ} 6' 45''$.

Twenty fifth camp, September 15.—The troops decamped at 7 o'clock a.m.—the general course for the day being, as yesterday, about south-east. They immediately commenced ascending a hill, which would require a little labor to make it practicable for wagons. Having proceeded four and a half miles, we reached the brow of a long gradual slope, whence an extended prospect of distant mountains, mountain peaks, *mésas*, and valleys burst upon us, some of these peaks being probably as much as one hundred miles off. Three and a half miles further, we crossed an *arroyo*, which would require some little labor to make it traversable by wagons. Half a mile further, an old rubble stone wall, without mortar, of an inferior character, was passed on our left. Two miles further, a couple of *mésa* mounds, with a very singular-looking pinnacle standing isolated between them, were also to be seen on the left.

Thirteen miles from our last camp, we entered the valley of the *Rio del Pescado*, (or, as some call the stream, the *Rio de Zuñi*,) which we find extensively cultivated in corn. There are indications also of there having been an abundant harvest of wheat. The Pueblo of Zuñi, when first seen, about three miles off, appeared like a low ridge of brownish rocks—not a tree being visible (a general characteristic of Mexican and pueblo towns) to relieve the nakedness of its appearance. We had not more than begun to get sight of the pueblo, when we noticed a body of Indians approaching us from it. This party purported to be a deputation, headed by the governor (*cacique*) and *alcalde*, which had come out for the purpose of escorting the governor of New Mexico (Colonel Washington) into town. Their reception of the governor and his suite was very cordial. The *alcalde*, I noticed, was habited in the undress frock of the officers of the army, garnished with the white metallic button.

After proceeding in company about a mile, we were unexpectedly saluted, at a preconcerted signal from a chief, with an exhibition of a sham fight, in which men, young and old, and boys entered with great spirit. Guns were fired, dust was thrown in the air, men on foot and on horseback could be seen running hurry-scurry hither and thither, the war-whoop was yelled, and altogether quite an exciting scene was exhibited. Just as we reached the town, quite an interesting scene occurred. All the male inhabitants of the place, including gray-headed old men, the middle aged, and the youthful portion of the population, came out to see the governor and shake hands with him. It was particularly interesting to see the juvenile portion of the community engaged in this refined act

of courtesy. The governor and suite were then conducted to the *casa* (house) of the governor of the pueblo, where bread, in every variety of form, (loaf, *tortilla*, and *guayave*,) watermelons, muskmelons, and peaches, were laid in profusion before us.

Governor Washington took this occasion to make known to the chief men of the pueblo the cause of his coming among them, (the report, now found to be false, of the Apaches having killed some of their people,) and expressed to them the great satisfaction he felt in seeing their people in so flourishing a condition. He also represented to them the care which the government of the United States had for their welfare. The talk over, the governor and suite, after bidding their hospitable entertainers *adios*, continued their journey a couple of miles further to the camp for the night.

Zuñi is a pueblo or Indian town situated on the Rio de Zuñi. This river, at the town, has a bed of about one hundred and fifty yards wide; the stream, however, at the time we saw it, only showed a breadth of about six feet, and a depth of a few inches. It is represented as running into the Colorado of the West. The town, like Santo Domingo, is built terrace-shaped—each story, of which there are generally three, being smaller, laterally, so that one story answers in part for the platform of the one above it. It, however, is far more compact than Santo Domingo—its streets being narrow, and in places presenting the appearance of tunnels, or covered ways, on account of the houses extending at these places over them. The houses are generally built of stone, plastered with mud. It has a Roman Catholic church, in dimensions about one hundred feet by twenty-seven, built of *adobes*. A miserable painting of *Nuestra Señora de Guadalupe* and a couple of statues garnish the walls back of the chancel. The walls elsewhere are perfectly bare. This is by far the best-built and neatest-looking pueblo I have yet seen, though, as usual, the ragged picketed sheep and goat pens detract not a little from its appearance. The population of the place, based upon the number the governor has given me of persons capable of bearing arms, I estimate at 2,000. But, judging from the size of the town and the number of its inhabitants I saw, I should not place it above 1,200. Gregg, I notice, puts it at between 1,000 and 1,500.* And the author of Doniphan's Expedition (page 195) states that it is upwards of 6,000.

These people seem further advanced in the arts of civilization than any Indians I have seen. They have large herds of sheep and horses, and extensively cultivate the soil. Being far off from any mercantile population, they will sell nothing for money, but dispose of their commodities entirely in barter. Some of our command thought, from their apparent closeness in business transactions, they were the most contracted people they had met. But to my mind, in view of the treatment which they represent themselves to have received from a party of California emigrants which had but a week or two previously passed through their town, their conduct discovered only a proper degree of caution—a caution founded on the principles of self-conservation, and which it was wise only to allow to be removed in proportion as they discovered us to be different from that party, or, in other words, more worthy of their confidence.

In Doniphan's Expedition, (pages 194, 195, 196,) I notice that this

* Commerce of the Prairies, note, page 269.

pueblo is represented as having been *discovered* by that expedition; and the author, after calling it "one of the most extraordinary cities in the world," adds, "that perhaps it is the only one now known resembling those of the ancient Aztecs."

As regards the fact of its remaining undiscovered until the expedition of Colonel Doniphan brought it to light, I have only to remark, that the archives of the State Department of New Mexico show, from 1692, the year when these people were reconquered by the governor and captain-general of the State, Curro Diego de Bargas Zapata, until the present time, they have been a recognised and loyal portion of said territory.*

And as respects its claim to be regarded as "one of the most extraordinary cities in the world," and as undoubtedly resembling, and as probably being the only one now known to resemble, the cities of the ancient Aztecs, the only marked difference I can perceive between it and the pueblos I have visited in New Mexico is, that the town is rather more compactly built, and its streets at some points have the houses built over them. In the habits and dress of the people, so far as they exhibited themselves to us, excepting that they appeared to be somewhat more advanced in refinement, I could observe no difference between them and the other pueblos. So that one pueblo seems to have as good a claim to the Aztec descent, as far as appears to be known, as another. And who can say positively, or even with any *satisfactory* basis of hypothecation, that any of them are descended from that remarkable people.

It is true that these people, as did the Aztecs, possess the art of taming birds; and some might reason from this that they are probably, on that account, from the same stock. But the people of the *Pueblo of Tesuque* also possess the same art. And Abert says it is an art common to the "Pueblos" generally.† The Tesuques then, as also all the other Pueblos, on the ground mentioned, (taming of birds,) have equal claims to the same descent. But the languages of the Tesuques and the Zuñis, as will be seen by referring to appendix B, are radically different. They cannot then have descended from a common stock. In other words, they cannot both be of Aztec origin, though both resemble the Aztecs in the practice

* For the following extract from the official journal of Don Diego de Bargas Zapata, now filed among the archives of the State Department at Santa Fe, I am indebted to Mr. Samuel Ellison, the official interpreter for that department. As it fixes the date of the reconquering of Zuñi by New Mexico, and discovers incidentally the previous Spanish Roman Catholic rule which obtained over the pueblo, it will not be without interest. The literal translation furnished me by Mr. Ellison, I have freely turned into the following:

"Tuesday, 11th November, 1692: I, the said governor and captain-general, on this day entered the Pueblo of Zuñi, and received the submission of its people. On the same day, the Reverend Father Corbera and Banoso baptized two hundred and ninety-four children, male and female. This concluded, I was conducted to a room, and shown an altar, on which were burning two large tallow candles. Removing a piece of ornament, I found the following articles of religious worship: two brass images of Christ, four inches in length, set in wooden crosses; also another image of Christ, eighteen inches long; a portrait of John the Baptist, beautifully executed; one consecrated vase, gilded with gold; a small box with two plates of glass, in which the host is exposed to public view; four chalices, all of silver, and of different patterns; one ancient mass-book, very well preserved; one confession-book, in the Spanish and Mexican language, &c., &c.

D. DIEGO DE BARGAS ZAPATA,
LUGAN PONCE DE LION,
MARTIN DE ALDAY,
JUAN PAIZ HURTADA,

ROQUE MACBRED,
JUAN DE DIOS,
CUCERO DE GODOT.

"Before me:

ALONZO RAIL DE AGUILAR,
Secretary of State and of War."

† Report of Lieut. J. W. Abert of his examination of New Mexico, 1846-'47, October 20.

mentioned. And so with all the other Pueblos. The different languages they speak are all resolvable (see appendix B) into six distinct tongues. If, then, either of them is to be regarded as of the Aztec descent, on the ground stated, all the others, on the ground of a radical difference of language, must be thrown out of the pale of that descent. And yet they all alike practice the same Aztec art, from report. The idea has also been entertained that the people of Zuñi "live in houses scooped from the solid rock." The description of their habitations which I have already given will show this to be a fallacy.

The governor of Zuñi paid us a visit this evening; and a very interesting man we found him to be—about six feet high, athletic in structure, uncommonly graceful and energetic in action, fluent in language, and intelligent—in fact, he actually charmed me with his elocution. From him I learned that his people, a long time ago, lived on a high *mésa* directly in front of our camp, the ruins of which, he says, are still visible, (see a sketch of Zuñi, with the *mésa* referred to in the background, in plate 59;) that, according to tradition, the cause of their quitting it for their present location was as follows: The waters of the valley on one occasion came up higher and higher, until at last they threatened to sweep them all away in the flood. Seeing this, they resorted to this expedient to save themselves: they let down into the waters, from the *mésa*, a man and a woman who had never known each other, and the result was their immediate subsidence. But why they should go down from a *mésa* height into a valley to protect themselves from another possible rise of water, is not apparent. I, however, give the narration just as it was interpreted to me by the official interpreter. The waters, the chief said, came from the Rio Grande and other rivers, and spouted up all around. If this rise of water is not altogether a fable, I know no other way to account for it than by supposing it to have been the result of an earthquake. He further represents that they came originally from the setting sun. To the question, whence the origin of the Albinos among them, he replied that they were all of pure Zuñi blood, (and I have since learned from him, at Santa Fe, that there are *but seven* of them among his people.) In regard to the ruins on the Chaco, he says he has seen them, but knows nothing of their origin.

Two Navajos came into camp this afternoon and delivered up a captive Mexican boy. They represent they are from *Chusca*, and that their people are collecting the stolen property for the purpose of surrendering it, agreeably to treaty.

The services of the Pueblo Indians being no longer required, they were this evening, after a complimentary notice of their conduct by the colonel commanding, discharged.

The soil to-day along the route, for the first eight miles, was arenaceous; for the balance of the way, it was argillo-arenaceous. For the first ten miles, the *sylva* was cedar and piñon; for the balance of the way, there was no wood to speak of. The distance marched was 17.45 miles. The road was heavy, but, with some little labor upon the *arroyos*, can be made practicable for wagons.

Just before reaching Zuñi, we passed the dead body of an Indian lying perfectly exposed upon the ground. We afterwards learned from the governor of the pueblo that the body was that of a Navajo prisoner, whom

they had killed five days since, by direction of a California emigrant. Competent authority, surely!

Twenty-sixth camp, September 16.—I left this morning in advance of the troops, to visit the ruins of Old Zuñi spoken of by the governor of the pueblo last evening. To reach the *mésa* on which they are represented to be situated, I passed a large number of cornfields. On reaching the foot of the *mésa*, I found the ascent so difficult as not to be able, with the time I had at my disposal, to reach its summit. I therefore struck off diagonally to meet the command, which I noticed had, in the mean time, at the usual hour—7 a. m.—resumed its march. I paused, however, sufficiently long near the *mésa* to contemplate the figure of a woman seated high up upon a pedestal, from which, with face turned towards the probable locality of the ruins, she presented the appearance of one overcome with grief at the sad picture which lay before her. The formation was probably of sandstone; and it is not at all unlikely that the narrative made by the governor last evening had a great deal to do with the conceit.

The route to-day, which has been slightly north of east, up the valley of the *Rio de Zuñi*, after getting a mile and a half from camp, passed between a couple of low *mésas*, capped with basaltic trap—that on the left being surmounted with the remains of some old but comparatively recent buildings and *corral* enclosures. These structures have been built of basaltic boulders, coarsely held together with mud mortar. The circuit of the pueblo, in plan, is about five hundred by one hundred feet. I noticed here, for the first time on the march, a beautiful exhibition of lava, which had been fixed in its wavy, undulating state by sudden refrigeration. This locality is the commencement, eastward, of the evidences of a basaltic, if not of a comparatively recent volcanic overflow, and on that account was regarded by me with considerable interest. The thickness of the overflow was as much as thirty feet above the soil, and seemed also to extend below it.

A mile and a half further, we crossed the Rio de Zuñi—its bed at this point being about thirty feet wide, and very miry. We then threaded a cañon of about three hundred yards in breadth, bounded by *mésa* walls of sandstone.

Twelve miles from our last camp, we passed, on our left, the ruins of another old pueblo, the plan of which was about three hundred by four hundred feet. The houses, I noticed, were continuous in structure, originally two stories in height; had been built of flat stones, cemented by mud mortar; and were arranged on the sides of a rectangle, thus making a large interior court. In the centre of the court, I noticed what appeared to have been a square *estuffa*, eighteen by twelve feet in plan, and ten feet in height—its flat roof, or *azotea*, still remaining quite perfect. The floor joists of the houses could still be seen protruding from the walls, in a very good state of preservation; and fireplaces and chimneys were yet apparent. This pueblo, like those on the Chaco, ranges about north and south, but in the details of its masonry it is far inferior; and in the style of its architecture it resembles not a little that of the Mexicans of the present day. Indeed, the evidences are that it is of a comparatively modern origin. The court-yard, I noticed, had been recently cut into corrals for stock. Fragments of pottery, as usual, lay scattered around. In Doniphan's Expedition, pages 197, 198, I read as follows: "On the head-waters

of the *Pisco*, and high up in the mountains, Colonel Doniphan relates that he came to the ruins of an ancient city. Near the ruins are immense beds of vitreous deposit and blackened scoriæ, presenting the appearance of an immense molten lake in the valleys, and other volcanic remains, with chasms and apertures opening down through this stratum of lava to an unknown depth. This vitreous surface, with its sharp asperities, was exceedingly severe on the feet of the mules and horses, wearing them to the quick in a short time. The figure of the city was that of an exact square, set north and south, so that its four sides corresponded with the four cardinal points. In the centre was a large square, or plaza, which, from its appearance, might have been used for military parade-grounds, and for corraling stock in the night time." Query? As the ruins I have just described are the only ones we saw on the head-waters of the *Pescado* (which we followed up to its source) approaching the form of a square, are they not the same as those referred to in the above extract? But we saw nothing of the "extensive molten lake in the valleys, with chasms and apertures opening down through lava to an unknown depth," spoken of as being near the ruins; neither did our animals have their hoofs "worn to the quick in a short time" by travelling over any vitreous surfaces.*

But to proceed with my journal: There are about the ruins just adverted to some fine springs; and the waters of the *Rio del Pescado* course directly by it, clear and bubbling. The soil in the vicinity exhibits signs of recent cultivation, and appearances indicate that the valley in this quarter was once yet more extensively cultivated. Two miles further brought us to a couple of noble springs, bubbling up, pure and cold, from the foot of some basaltic rocks. These springs seem to be the main sources of the *Rio del Pescado*, (*Rio de Zuñi*), and are called *Los Ojos del Pescado*. Near these springs we are encamped.

Within a few yards of us are several heaps of pueblo ruins. Two of them, on examination, I found to be of elliptical shape, and approximating a thousand feet in circuit. The buildings seem to have been chiefly built on the periphery of the ellipsis, leaving a large interior court; but their style and the details of their construction, except that they were built of stone and mud mortar, are not distinguishable in the general mass. The areas of each are now so overgrown with bushes, and so much commingled with mother earth, as, except upon critical examination, to be scarcely distinguishable from natural mounds. The usual quantum of pottery lies scattered around.

The governor of Zuñi, who is again on a visit to us, informs us that the ruins I have just described, as also those seen a couple of miles back, are the remains of pueblos which his people formerly inhabited. He has brought to Colonel Washington a finished specimen of the wicker-ware which, both among the Navajos and the Zuñis, I have noticed, in the shape of large bowls and vases. This species of vegetable ware is of so closely-compacted a texture as to hold water, and is superior to anything of the kind I have ever seen in the States. The Zuñi give the *Coystero* Indians the credit of making them.

* Some fifty miles east of this locality, on our route to Laguna, we met acres of lava, and extensive fissure; but this was on the head-waters of the *Rio San José*, a tributary of the *Rio Puerco*. I never heard, however, that our animals suffered from sore feet.

The day's march has been 13.71 miles. The route, which has been of a gradual ascent, excepting for an inconsiderable portion of it, among some basaltic rocks, and at the crossing of the Rio de Zuñi—neither of these places presenting any formidable impediments—is excellent for wagons. The soil of the valley, which is of an argillo-arenaceous character, is exceedingly fertile. Scrub cedars have dotted the hills, and the artemisia the valleys.

We have met to-day, as we did yesterday, a number of Zuñi Indians carrying bags of wheat upon horses and *burros* (asses) to their pueblo. These people seem to have discovered the principle of industrial accumulation, and therefore of social progress, more than any Indians I have seen.

My astronomical observations place this camp in latitude $35^{\circ} 5' 12''$, and longitude $108^{\circ} 41' 45''$.

Bivouac, Inscription rock, September 17.—The incidents of to-day have been peculiarly interesting, as the narration of them in their natural order will show:

The troops resumed their march at 7 a. m., the course for the day being generally nearly due east, and, for the first three or four miles, up the valley of the Rio de Zuñi. This distance travelled, an extended and beautiful view of handsomely-rounded blue hills, or mountain peaks, presents itself to the front, low distant hills being seen on the right, and exhibiting itself a champaign country intermediate.

A couple of miles further, meeting in the road Mr. Lewis, who was waiting for me to offer his services as guide to a rock upon the face of which were, according to his repeated assertions, half an acre of inscriptions, many of them very beautiful, and upon its summit some ruins of a very extraordinary character, I at once fell in with the project, and obtained from the colonel commanding the necessary permission. Taking with me one of my assistants, Mr. R. H. Kern, ever zealous in an enterprise of this kind; the faithful Bird, an *employé* who had been with me ever since I left Fort Smith—Mr. Lewis being the guide—and a single pack animal, loaded with a few articles of bedding, a few cooking utensils, and some provisions,—we diverged from the command, (see map,) with the expectation of not again meeting it until we should reach the Pueblo of Laguna, from seventy to eighty miles distant. There were many in the command who were inclined to the belief that Lewis's representations were all gammon. In regard to the *extent* of the inscriptions, I could not but believe so too; but as respects the fact of there being some tolerable basis for so grandiloquent a description, I could not, reasoning upon general principles of human nature, reject it. Mr. Lewis had been a trader among the Navajos, and, according to his statement, had seen these inscriptions in his journeyings to and from their country. And now he was ready to conduct me to the spot. How could I doubt his sincerity? I could not; and my faith was rewarded by the result.

Bearing off slightly to the right from the route of the troops, we traversed for eight miles a country varied, in places, by low *mésas*, blackened along their crests by outcrops of basalt, and on our left by fantastic white and red sandstone rocks, some of them looking like steamboats, and others presenting very much the appearance of facades of heavy Egyptian architecture. This distance traversed, we came to a quadrangular mass of sandstone rock, of a pearly whitish aspect, from two hun-

dred to two hundred and fifty feet in height, and strikingly peculiar on account of its massive character and the Egyptian style of its natural buttresses and domes. Skirting this stupendous mass of rock, on its left or north side, for about a mile, the guide, just as we had reached its eastern *terminus*, was noticed to leave us, and ascend a low mound or ramp at its base, the better, as it appeared, to scan the face of the rock, which he had scarcely reached before he cried out to us to come up. We immediately went up, and, sure enough, here were inscriptions, and some of them very beautiful; and, although, with those which we afterwards examined on the south face of the rock, there could not be said to be half an acre of them, yet the hyperbole was not near as extravagant as I was prepared to find it. The fact then being certain that here were indeed inscriptions of interest, if not of value, one of them dating as far back as 1606, all of them very ancient, and several of them very deeply as well as beautifully engraven, I gave directions for a halt—Bird at once proceeding to get up a meal, and Mr. Kern and myself to the work of making *fac similes* of the inscriptions.

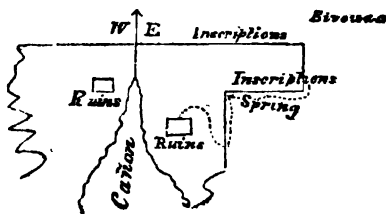
These inscriptions are, a part of them, on the north face of the rock, (see plate 60,) and a part on the south face, (see plate 61.) *Fac similes* of those on the north face, drawn to a given scale, will be found in plates 65, 66, and 67, the order of enumeration being that of their relative position from east to west, and the strength or weakness of the letters in the drawing, as well as the complexion of the rock, being an imitation of them as we found them on the rock. *Fac similes* of the inscriptions on the south face will be found in plates 68, 69, 70, 71, 72, 73, and 74.

It will be noticed that the greater portion of these inscriptions are in Spanish, with some little sprinkling of what appeared to be an attempt at Latin, and the remainder in hieroglyphics, doubtless of Indian origin.

The face of the rock, wherever these inscriptions are found, is of a fair plain surface, and vertical in position. The inscriptions, in most instances, have been engraved by persons standing at the base of the rock, and are, therefore, generally not higher than a man's head.

The labor of copying the inscriptions having employed us from about noon till near sunset, and there yet being more than enough to keep us at work for the balance of the day, we suspended copying the remainder till the morrow, in order that before dark we might visit the "wonderful ruins" Lewis had assured us we would find on the summit of the rock. So, taking him as our guide, we went around to the south face of the wall, along which we continued until we came to an angle, thus:

Plan of rock.



where, canopied by some magnificent rocks, and shaded by a few pine trees, the whole forming an exquisite picture, (see sketch in plate 62,) we found a cool and capacious spring—an accessory not more grateful to the lover of the beautiful than refreshing to the way-worn traveller. Continuing along the east face of the rear projection or spur of the rock a few yards further, we came to an accessible escarpment, up which we commenced our ascent, the guide taking off his shoes to enable him to accomplish it safely. After slipping several times, with some little apprehension of an absolute slide off, and a pause to take breath, we at last reached the summit, to be regaled with a most extensive and pleasing prospect, On the north and east lay stretching from northwest to southeast the *Sierra de Zuñi*, richly covered with pine and cedar; to the south could be seen gracefully-swelling mounds and distant peaks, beautifully blue on account of remoteness; to the west appeared the horizontal outline of *mésa* heights, with here and there a break, denoting an intervening cañon or valley; and lying between all these objects and my point of view was a circuit of prairie, beautifully tasty on account of solitary and clustered trees, or sombrously dark on account of low *mésas* and oblong ridges covered with cedars.

This extensive scene sufficiently scanned, we proceeded to examine the ruins which the guide, true to his word, pointed out immediately before us. These ruins present, in plan, a rectangle two hundred and six by three hundred and seven feet, the sides conforming to the four cardinal points. The apartments seem to have been chiefly upon the contour of the rectangle, the heaps of rubbish within the court indicating that here there had been some also. (See ground plan in plate 63.) There appear to have been two ranges of rooms on the north side, and two on the west. The other two sides are in so ruinous a condition as to make the partition-walls indistinguishable. On the north side was found traceable a room seven feet four inches by eight and a half feet; and on the east side, one eight and a half by seven feet. There was one circular *estufa* apparent, thirty-one feet in diameter, just in rear of the middle of the north face. The main walls, which, except for a length of about twenty feet, were indistinguishable, appear from this remnant to have been originally well laid—the facing exposing a compact tabular sandstone varying from three to eight inches in thickness, and the backing a rubble kind of masonry, cemented with mud mortar. (See facing depicted in drawing No. 3, plate 41.) The style of the masonry, though *next*, as far as our observation has extended, to that of the pueblos of Chaco, in the beauty of its details is far inferior. Here, as usual, immense quantities of broken pottery lay scattered around, and of patterns different from any we have hitherto seen. (See plate 64.) Indeed, it seems to me that, to have caused so much broken pottery, there must have been, at some time or other, a regular sacking of the place; and this, also, may account for this singular phenomenon being a characteristic of the ancient ruins generally in this country. At all events, we see nothing of this kind around the inhabited pueblos of the present day, in which pottery is still much used; and I can see no reason why, if their inhabitants were of their own accord to desert them, they should go to work and destroy the vessels made of this kind of material.

To the north of west, about three hundred yards distant, a deep cañon intervening, (see plan of rock, &c., above,) on the summit of the same

massive rock upon which the inscriptions are found, we could see another ruined pueblo, in plan and size apparently similar to that I have just described. These ruins, on account of the intervening chasm, and want of time, we were not enabled to visit.

What could have possessed the occupants of these villages to perch themselves so high up, and in such inaccessible localities, I cannot conceive, unless it were, as it probably was, from motives of security and defence.

The idea has been generally entertained, and I notice Gregg gives currency to it, that a portion of the ruins of this country are "at a great distance from any water, so that the inhabitants must have entirely depended upon rain, as is the case with the *Pueblo of Acoma* at the present day."*

Near all the ruins I have yet seen in this country, I have most generally found water; and in those cases where there was none, the dry bed of a stream, in convenient proximity, gave sufficient evidence that even here, in times past, there was a supply. Besides, there are at the present day Mexican ruins to which the inhabitants now point as having been deserted on account of the creeks near them failing. Such, for instance, is the Mexican village called *Rito*, (which we subsequently passed,) on the San José—its Roman Catholic church and other buildings conclusively attesting that it had been deserted not many years back.

As regards the inhabitants of Acoma at the present day relying, as Gregg states, for water upon the rains, his information must have been from report; for Abert expressly tells us the contrary. His language is, (he is speaking of Acoma and its vicinage,) "We had encamped by the side of some holes that the Indians had dug; these, they said, yielded a constant supply of water; and between our camp and the city there was some water that ran along the bed of a stream for a few yards, when it disappeared beneath the sand. This furnished the inhabitants with drinking water."† Besides, I doubt very much if in this country the water that could be collected from rains by any artificial process would be near sufficient to answer the wants of the people. I doubt it, for the reason that the chief sources of supply to the streams appear not to be from the rains—few and scant—which fall upon the plains, but from the rains which are produced by and break upon the mountains.

But to continue my journal: The shades of evening falling upon us in our labors, we were constrained to retrace our way down to the plain; and it was not long before we were at the base of the rock, hovering over a bivouac fire, eating our suppers, and talking over the events of the day—the grim visage of the stupendous mass behind us occasionally fastening our attention by the sublimity of its appearance in the dim twilight.

Twenty-eighth camp, Ojo del Gallo, September 18.—The excitement of yesterday's discovery, together with rather a hard pallet, and the howling of the wolves, prevented my having as comfortable a night's rest as I would have liked. Often did I gaze, in my restlessness, *au ciel*, to witness the culmination of that beautiful constellation, Orion, the precursor, at this season of the year, of the approach of day; and as often did I find myself obliged to exercise that most difficult of virtues, patience—the sure key, with the proper application of subordinate means, to success.

*Commerce of the Prairies, vol. I, p. 284.

†Lieutenant Abert's Report on New Mexico, 1846-'47, October 21.

The dawn of day at 3 o'clock appearing, we got up, for the purpose of hastening breakfast, in order, that by daylight we might be ready to continue our labors upon the inscriptions. Besides, finding that, to reach the rock yesterday, our divergence from the route of the troops had been but about three miles, and being anxious to join the command to-night, in order that I might keep up the proper succession of astronomical positions, (my instruments being with the troops,) I felt desirous to hasten our work, so that I might effect the object.

Our breakfast over, the day opening beautifully, and the feathered race regaling us—an unusual treat—with their gay twittering, we hastened to the work of finishing the *fac similes*. These completed, and Mr. Kern having engraved as follows upon the rock: "Lt. J. H. Simpson, U. S. A., and R. H. Kern, artist, visited and copied these inscriptions, September 17, 1849," we found ourselves ready by 8 o'clock to commence our journey to overtake the command.

A large number of the hieroglyphics, (on the south side of the rock,) and many names and dates, are evidently—from the in some cases faint, and in others interrupted or broken, appearance of the inscriptions—gone; and for this cause, as well as from an occasional failure in the perfect engraving of a letter, and therefore its assimilation in appearance to others nearly resembling it in form, the *fac similes*, though, as a whole, generally transcriptive of the letters or words intended by the inscribers, in some few instances are, doubtlessly, variant from the exact orthography intended, and therefore difficult to be deciphered. A *literal* rendering of them into English, so far as I have been able to have it accomplished, by the conjoint assistance of Chief Justice J. Houghton, Señor Donaciano Vigil, secretary of the province, and Mr. Samuel Ellison, the official translator, will be found below. I prefer to give them literally, because it is the most faithful mode of translation; and though the sense, in some instances, might be given in better English, yet, for the sake of accuracy, and because the meaning is apparent under a literal translation, I think it best to present them in this form, beginning with—

PLATE 65.

"Augustin de Hinojos."

"In the year 1641, Bartolome Romelo," (here words not decipherable.)

"In the year 1716, upon the 26th day of August, passed by this place Don Feliz Martinez, Governor and Captain General of this kingdom, for the purpose of reducing and uniting Moqui," (a couple of words here not decipherable.)

"Licentiate Chaplain Friar Antonio Camargo, Custodiari, and Ecclesiastical Judge."

"Simon de Salas."

"Antonio Nomoya."

PLATE 66.

"On the 28th day of September, of the year 1737, arrived at this place Batchelor Don Juan Ignacio de Arrasain."

"Passed by this place Diego Belasques."

"On the 28th day of September, of the year 1737, arrived at this place

the Illustrious Doctor Don Martin De Liza Cochea, Bishop of Durango, and on the 29th left for Zuñi."

"Joseph Dominguez passed by this place in October, and others September 28, with much caution and some apprehension."

"Juan de San Esteban."

"Puilancies."

"The Father Ezquerr."

"Antonio B***," (this name not decipherable.)

(Here a word or two not decipherable.) "Don Francisco, (a word or two not decipherable,) for the impossibility—*Jene*—there to subject; his arm undoubted, and his valor, with the wagons of our Lord the King, a thing which he alone did—*E fecio de Ablosio G*—six hundred and twenty nine, (probably intended for 1629.) *Quesby Eu Acuni Pase y la Felleue.*"

PLATE 67.

"Juan Garica de la Revàs, Chief Alcalde, and the first elected of the town of Santa Fe, in the year 1716, on the 26th of August. By the hand of Bartolo Fernandez Antonio Fernandez Moro."

"Augustin de Minojos."

"Juan Gonzalos, year 1629."

(The characters in the double rectangle seem to be literally a sign-manual, and may possibly be symbolical of Francisco Manuel, though the double thumb would appear to indicate something more.)

"On the 14th day of July, of the year 1736, passed by this place General Juan Paez Hurtador, Inspector. And in his company Corporal Joseph Armenta, Antonio Sandobal Martines, F. Guapo, Alonzo Barela, Marcus Duran, Francisco Barela, Louis Pacheco, Antonio de Salas, Roque Gomas."

"Vicente de Senorgorta and (name not decipherable) fought on account of these questions," (the remainder not intelligible, except that *lecor*—probably intended for *licor*, liquor—seems to have had something to do with the quarrel.)

"Joseph Ramos."

"Diego Nunez Bellido."

"Diego."

"Friar Zapata."

"Bartolome Narrso, Governor and Captain General of the Provinces of New Mexico, for our Lord the King, passed by this place, on his return from the Pueblo of Zuñi, on the 29th of July, of the year 1620, and put them in peace, at their petition, asking the favor to become subjects of his Majesty, and anew they gave obedience; all which they did with free consent, knowing it prudent, as well as very christian, (a word or two effaced,) to so distinguished and gallant a soldier, indomitable and famed; we love" (the remainder effaced.)

PLATE 68.

"Antonio Gon Salez, in the year 1667. (Some characters not decipherable.) Country of Mexico, in the year 1632, folio (some characters not intelligible,) Bengoso, by order of Father Liebado Lugan."

PLATE 69.

"Passed by this place with despatch, (a word or two not decipherable,) 16th day of April, 1606."

"Cayado, 1727."

"I. Aparela, 1619." (Hieroglyphics not decipherable.)

PLATE 70.

"Passed by this place Sergeant Major and Captain Juan Archutela, and the traveller Diego Martin Barba and Second Lieutenant Juan Ynes Josano, in the year 1936." (Hieroglyphics not decipherable.)

PLATE 71.

"Here served General Don Diego de Bargas, to conquer to Santa Fe, for the royal crown, New Mexico, by his own cost, in the year 1692 "

"By this place passed Second Lieutenant Joseph de Payba Basconzelos, in the year in which the council of the kingdom bore the cost, on the 18th of February, in the year 1726."

PLATE 72.

"In the year 1696 passed D. M."—(hieroglyphics not decipherable.)

PLATE 73.

"P. Joseph de la Candelaria."

"O. R., March 19, 1836." (These are the only initials with an English date before Mr. Kern engraved ours. The hieroglyphics not decipherable.)

PLATE 74.

"Pero Vacu (possibly intended for *vaca*—cow) ye Jarde."

"Alma."

"Leo."

"Captain Jude Vubarri, in the year of our Lord 1," (probably meaning 1701. The hieroglyphics, excepting what appears to designate a buffalo, not decipherable.)

The translations of the several inscriptions, so far as it has been possible to have them effected, having now been given, I introduce, in this connexion, a letter from the secretary of the province, (received since the expedition,) by which it will be perceived that two of the persons whose names are inscribed—General Don Diego de Bargas, and General Juan Páez Hurtador—have been governors of New Mexico. This letter is also interesting on account of the other historical facts which it divulges. For its translation I am indebted to Chief Justice Houghton:

"SANTA FE, October 19, 1849.

"SIR: The engravings which are sculptured on the rock of Fish spring, near the Pueblo of Zuni, copies of which you have taken, were made in

the epochs to which they refer. I have an indistinct idea of their existence; but, although I have passed the place some three times, I never availed myself of the opportunity to observe them. The other signs or characters noticed are traditional remembrances, by means of which the Indians transmit historical accounts of all their remarkable successes. To discover these sets by themselves, is very difficult. Some of the Indians make trifling indications, which divulge, with a great deal of reserve, something of the history, to persons in whom they have entire confidence.

"The people who inhabited this country before its discovery by the Spaniards were superstitious, and worshipped the sun.

"I would be glad to relate to you, with exactness, events which are passed; but I am deprived of this satisfaction from the want of certain information in regard to the particulars, because some of them occurred a very few years after the conquest made by Juan de Oñate, in the year 1595, and all records preceding the year 1680 are lost, as the Indians burnt the archives in their insurrection against the conquerors who then occupied the country.

"In 1681, Governor Antonio de Otermin received orders from the viceroy to return and conquer. He made his entrance to the Pueblo of Cochiti, encountered resistance, and, on account of the small force he brought, retired to El Paso in the same year. Gerbaceo de Cruzat y Gongora succeeded him in command, who also remained established at El Paso.

"In the following year, Cruzat made an expedition against New Mexico, took possession of the capital, and extended his conquests a little more effectually, until the following year, when, it being impossible for him to sustain himself longer, he returned to El Paso.

"In the year 1693,* Curro Diego de Bargas Zapata penetrated as far as the Pueblo of Zuñi, and, without proceeding further, returned to El Paso. In the year 1695, he obtained the entire pacification of the country.

"There were afterwards a succession of governors, among whom are numbered Feliz Martinez, Juan Paez Hurtado, and many others, of whom can be produced exact information by referring to the time of the administration of each, according to the registry in the ancient archives of the government. The short time before your departure does not afford the necessary opportunity to register and give to you an historical relation of these events. This account, therefore, should not be regarded by you as one which should direct your idea entirely, for my limited capacity does not permit me to search into all the particulars necessary; but it may serve you as a certain guide to direct the history, the events being marked in chronological order.

"Should these remarks prove useful to you, and I have facility of access to the archives, as I have now, I will with pleasure undertake the task of making the relation, and will despatch it to the point you may direct me.

"With nothing, more, I am, señor, your obedient servant,

"DONACIANO VIGIL.

"Lieut. J. H. SIMPSON,

"*Topographical Corps, U. S. A.*"

*According to the extract from De Barga's journal already given in a note under the head of the twenty-fifth camp, his conquest of Zuñi bears date November 11, 1692, and in this year corresponds with that inscribed on the rock.

But to proceed with our journey: Lewis thinks the road to Laguna by the way of the *Moro*, or Inscription rock, and the Pueblo of Acoma, is better for wagons than that which the troops have taken. He says it has only one bad place, and that can be avoided by making a detour of two miles. Water and grass, according to his representation, are ample along it. Carravahal, however, (and a most excellent guide he has proved himself to be,) thinks the other the best, and, according to the map, it would appear to be quite as direct.

As has been already remarked, by 8 o'clock a. m. we were ready to commence our journey—it being our intention to join the main command, if possible, before night. For the first three miles our route lay east of north, when, getting again into the road taken by the troops, we immediately turned to the right upon it—our course thence for the day being nearly due east. This road, we find, gives indications of having been considerably more travelled than that passing by the Inscription rock. A mile and a half more traversed, over a heavy sandy soil, upon which I noticed the flax growing in its wild state, we found ourselves commencing the ascent of the *Sierra de Zuñi*. This ascent, for a few miles, is quite gradual, the road leading up a beautiful narrow valley, clothed with a rich black loamy soil, and interspersed with large pines. Six and a half miles on the route, I noticed some massive limestone, in large quantities, cropping out from either side of the valley. Some of it is a coarse-grained marble. Two miles further, the ascent becomes quite steep and difficult on account of loose rocks. The route, however, continues practicable for wagons; and no doubt an easier grade could be found, possibly, to the right.

A mile further traversed, we found ourselves on the summit of the pass of the *sierra*, from which, bearing north of east, some thirty miles off, we caught sight, for the first time, of one of the finest mountain peaks I have seen in this country. This peak I have, in honor of the President of the United States, called *Mount Taylor*. Erecting itself high above the plain below, an object of vision at a remote distance,* standing within the domain which has been so recently the theatre of his sagacity and prowess, it exists, not inappropriately, an ever-enduring monument to his patriotism and integrity. (See plate 75.)

Descending the eastern slope of the *Sierra de Zuñi*, after a ride of two miles, we reached the *Ojo de Gallinas*, where the still smoking embers of recent fires, in connexion with their relative positions, showed very plainly the *locale* of the last night's encampment of the troops. Finding some good water and grass here, and being considerably fatigued, we gladly halted for an hour to take a lunch and let our animals graze. Resuming our journey, we passed two miles of very hilly pine-barren country—a mile further bringing us to a locality where, immediately on the right of the road, for the first time, some unseemly piles of blackened scoriaceous volcanic rocks make their appearance. Three miles further, in a kind of basin, we met another series of piles of lava debris, covering an area of at least one hundred acres. These piles look like so many irregular heaps of stone coal. A mile further brought us to the entrance of the *Cañon de Gallo*, down which the route continued its course. This ca-

* Since my return to Santa Fe, I find it can be seen from Fort Marcy and other surrounding heights, the air-line distance being as great as one hundred miles.

ñon, which is a rather narrow one, and walled on either side by sandstone rocks some three hundred feet high, is quite interesting, both as an object of vision and because of the blackened volcanic scoriaceous rocks which crop out from its bottom. Did this cañon exist before the development of these volcanic rocks, or was it the result of that development? Is it not possible that the incandescent mass below, and the gases generated by the heat, in connexion with the ruptures of the superincumbent sedimentary strata which such a condition of things would be like to produce—I say, is it not possible that such a combination of circumstances could have given rise first to the cañon, and then to the volcanic matter cropping from its bottom?

This cañon is quite rapid in the descent of its bottom—more so than any we have seen. Four miles from its entrance, it is almost choked up with large masses of rock, threading which, however, I subsequently learned, the artillery found little or no difficulty. Three miles further, we debouched from the cañon into the broad, beautiful, and fertile valley of the *Ojo de Gallo*. Bearing thence gradually to the right, four miles further brought us, much to our gratification, just after dark, to the camp of the troops, where we found them all rejoicing in the possession of a fine spring, abundant pasture, and the feelings consequent upon the exhilarating effect of a beautiful and far-extended expanse.

We noticed along the road several rattlesnakes which the troops had killed. One of them was very large.

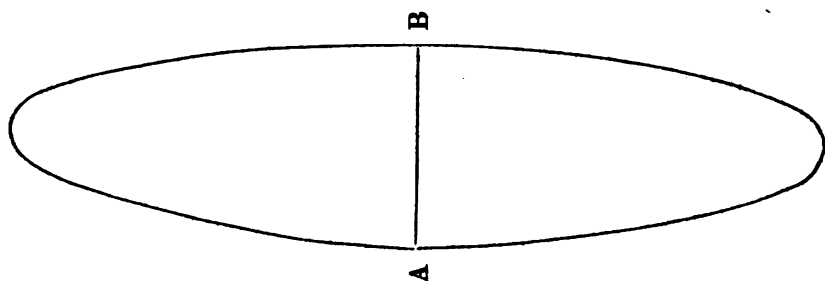
Our day's travel I estimate at thirty-two miles. The march of the troops yesterday, I learn, was 27.14 miles; to-day, 18.49 miles. The latitude of this camp, by observation, is $35^{\circ} 5' 17''$.

Twenty-ninth camp, near Pueblo of Laguna, September 19.—The troops decamped at 8 a. m., the course, as yesterday, continuing for the day nearly due east. The first six miles was directly across the valley of the Gallo, and then down the valley of the *Rio de San José*. The valley of the Gallo is one of the richest I have seen, its soil being a rich black loam. A great deal of scoriaceous matter, in black angular fragments, lies scattered over the surface of this valley in piles and ridges: and it is doubtless owing to this source that its soil is so fertile; for wherever this igneous product is observable, there have I noticed the soil in proximity to it to be of this character.

Just before entering the valley of the San José, about seven miles from our morning's camp, are hundreds of acres of volcanic rock, a great deal of it exhibiting, with marked distinctness, the undulations of the wave in its oscillatory motion. I endeavored, by the curvature of these waves, to find, by a normal or rather an applicable radius, the crater or source of the outflow, but it resulted in nothing satisfactory. I ascended an adjoining hill to overlook the whole field, and found the lava to exist in ridges ranging generally north and south, the curvature being thus:



by a cross section on A B of the ridge or pile, thus:



This seems to point to a swelling or intumescence of the fluid mass, longitudinally—a partial overflow—and a fixedness of condition, caused by refrigeration, before it could spread laterally to any considerable extent, and subsequently a tumbling in at the sides, from disintegrating causes, and the want of subjacent support.

Near this very large field of volcanic matter, the road takes up a long, steep, rocky hill—two miles further bringing us again to the valley of the San José. This hill could probably be avoided by not leaving the valley of the San José at all. Ten miles from our last camp, for about a quarter of a mile, we traversed a sliding rocky hill, where a few picks, crowbars, and spades could, with no great labor, in a short time, make it practicable for wagons. Along this portion of the route, a dense growth of bushes, intertwined with vines, bearing a most delicious grape—in size, that of our winter grape—skirts the stream, and cheered us with its rich luxuriance. The stream here also came tumbling down in a small but beautiful cascade, the din of its waters not being more delightful to the ear than its appearance was to the sight. A mile further, the volcanic rocks which, as far down as this point, have lain along the valley in scattered oblong heaps, terminate. About a mile from this, we crossed the San José, at this point a clear stream, fifteen feet wide and one deep, running swiftly over a gravelly bottom. Willows, I noticed, lined the stream.

The valley, thus far, has been bounded on its left or north side by mesas of a sedimentary character, overlaid by basaltic trap; on the right, or south side, by sedimentary rocks, the superior formation of which is sandstone.

Three miles from our last crossing of the San José, we crossed it again—the valley, from this point, gradually unfolding itself more uninterruptedly, and continuing so down to Laguna, a distance of fourteen miles, within two miles of which we are encamped. All along the valley, for this distance, the land is cultivated in corn and melons, the luxuriance of their growth attesting the good quality of the soil. I also noticed, at different points, a number of circular places upon the ground where wheat had been trodden out by horses. This is the usual mode in this country of separating it from the husk. The cultivators of the soil are Pueblo Indians, and belong to the villages of *Laguna* and *Acoma*. They were very liberal to us in their donations of muskmelons, of which they seem to have a great abundance. I notice that, to preserve them for winter, they peel them, take out the seeds, and then hang them in the sun to

Ex.—9

day. A dry cedar tree covered with them, for this purpose, presented a very singular appearance.

Within about a couple of miles, the San José expands into a small lake, which is the resort of large flocks of cranes.

This day's march, 28.93 miles, has been the most fatiguing one we have had—the artillery not getting in, on account of the horses giving out, until after dark. The regular infantry, whether the march is short or long, uniformly preserve the same compact form and rate of travel, and, in this respect, are superior to any troops I have ever served with.

The soil along the route has been arenaceous, and a great deal of it good. No *sylva* to speak of, except near the head of the San José, has been seen in the valley, though scrub cedar has dotted the heights. Bunch and gramma grasses have been seen in patches along the way. The cactus has been quite common.

A flock of two thousand head of sheep was seen by us before reaching camp.

This camp, which observation places in latitude $35^{\circ} 0' 49''$ has all the requisites of wood, water, and grass.

The *alcalde* of the *Pueblo de Laguna* called to pay his respects to Governor Washington this evening; and a very respectable man he appears to be. He is more at home in American garb than was the *alcalde* of *Zuñi*.

Thirtieth camp, September 20.—The *alcalde* of *Laguna* was again in our camp this morning. He represents to Governor Washington that some persons belonging to the party of California emigrants who passed through his village two or three weeks since, on their way west, tied and forced off one of his people to *Zuñi*, against his will, and then gave him no compensation; that they drove off eight mules belonging to his people, and even tied the governor, because he would not do an impossibility which they wished to exact of him. He also represented that some Mexicans were endeavoring to get from him a pistol which an emigrant had given him in remuneration for his care of him during his illness. Governor Washington told him that he and his people should defend their property, if necessary, even to the taking of life; and that, no matter how many were sacrificed in this way, the government would sustain them in it; that this was a rule of the government under which he was now living. He also gave him a paper, calling on all persons to respect the rights of his people.

This morning I preceded the troops a short while for the purpose of visiting the *Pueblo* of *Laguna*. The houses of this pueblo, I find, are built like the others—terrace fashion, each story forming by its roof a platform or sill for entrance to that above, and the ascent from story to story—of which there are, in some instances, as many as three—being by ladders upon the outside. They are built of stone, roughly laid in mortar, and, on account of the color of the mortar, with which they are also faced, they present a dirty yellowish clay aspect.* They have windows in the base-

* The idea which has been entertained that this pueblo is situated on a rocky promontory, inaccessible to a savage foe, is incorrect, as wagons find no difficulty in getting up to and passing directly through the town.

Equally incorrect is the idea that the towns of *Pojuate*, *Cebolleta*, *Covero*, and *Moquino* are made up of houses four stories high, built upon inaccessible rocky heights. I have, since the Navajo expedition, made a military reconnaissance of the country in which these towns are situated, and therefore speak from personal observation. It is also a mistake to regard the three last-mentioned towns as Indian pueblos; they are ordinary Mexican villages.

ment as well as upper stories; selenite, as usual, answers the purpose of window-lights. The pueblo has one Roman Catholic edifice, which, on account of the key not being immediately available, I did not enter. I noticed in its belfry a couple of bells, and on its roof a sort of dial—probably a mock one. Corn in the shuck, after having been boiled, as also strings of red pepper, could be seen hanging up in front of nearly every house to dry. Indeed, the evidences are that these people are quite industrious and thrifty. Their cattle—of which, probably on account of the good pasturage in the vicinity, they seem to have more than any other pueblo—look fine; and their sheep and goat folds—which, as usual, encroach upon the circuit of the towns, much to the annoyance of both sight and smell—show also that they are well supplied with this species of stock. I noticed also about the place a number of carts, of the ordinary lumbering Mexican make. The population of the town is probably about eight hundred.

A large portion of the inhabitants are at this time away, gathering *piñones*, an edible fruit of the piñon, the common scrub pine of the country. The dress of these people is like that of the other Pueblo Indians—the women, as usual, having the calves of their legs wrapped or stuffed in such a manner as to give them a swelled or dropsical appearance. They, like the Zuñis, regard us with considerable reserve; but how could it be otherwise, when they have been so shamefully treated as they have been recently by persons bearing the name of Americans, like ourselves? Common prudence certainly dictates a proper reserve until they can learn by experience that we are not extortioners like some of our forerunners; and this they are beginning to learn, for the longer we were among them the more frank and liberal they became.

The troops passing through the pueblo about 11 o'clock, I left the place to accompany them. The course to-day is south of east, and, as yesterday, the road runs along—though not so near—the San José, which it crosses at Laguna. Just as I got out of the town, observing a Mexican packer appropriating to himself a watermelon, right in the face of an old woman who was guarding the patch, in my indignation I rushed upon him full tilt, and the consequence was an instantaneous disgorgement. The many signs which the old woman made to express her gratitude amply testified how deeply she felt the slight act of humanity. Two miles from Laguna, we descended a rocky shelving-place, to get into the valley of the San José. Wagons will find no insuperable difficulty here. This hill descended, and some basaltic trap passed, lying in a short cañon through which the road runs, the Rio de San José is again crossed—the water, which heretofore has been quite clear, now becoming of a clay color. The river at this point is about twenty feet wide, one deep, and has a muddy bottom. The San José crossed, some old ruins appear, perched upon a *mésa* some one hundred and thirty feet high, immediately on your right. To clamber up to them, I had no little difficulty; and on reaching them, I found they scarcely compensated me for the exertion. They consisted of a few old stone and mortar structures, and some stone *corrals*, (enclosures,) the latter showing signs of having been recently used as sheep-pens. What a barbarous state of things these ruins, which are occasionally seen on almost inaccessible heights, show to have once existed; and how much more glorious their condition now, when the inhabitants

can live upon the plains below in comparative ease and quiet, convenient to their fields, water, and stock!

Shortly after passing the ruins, basaltic trap again appears in the valley; and on the left, immediately by the road, gypsum crops out from overlying sandstone. Eight miles from Laguna, an extensive view unfolded itself to our front, of distant blue mountains, *mésa* heights, tableau and conical mounds—a broad expanse of green valley intervening. Just beyond this point appears, on your left, an almost perfect natural *fac simile* of a house, with its chimney-top. About a mile further, to our right, on the far side of the Rio San José, could be seen the remains of a Mexican village called *Rito*, which is represented, and no doubt truthfully, to have been deserted on account of the water of the San José failing at this point. This is the village before referred to as illustrating the fact that at the present day, as in more remote periods, towns are deserted on account of the water near them giving out. (*Ante*, September 17.) A few miles beyond this spot, the colonel commanding noticing a very large herd of sheep moving very hastily away from the command, as if all were not right, I rode off to see how the matter stood. I soon discovered, however, that the flock was under Mexican and not Navajo control, and, from my conversation with the *pastor*, became assured that our apprehensions were groundless. It was beautiful to see the young shepherd carrying in his bosom a little lamb; and it at once suggested to me the force and appropriateness of the sentiment to be found in Isaiah, (chapter 40, verse 11,) expressive of the care of the Saviour for the tender ones of his flock: "He shall feed his flock like a shepherd; he shall gather the lambs with his arm, and carry them in his bosom."

About fifteen miles from Laguna, it being represented by Carravahal that we could get water in the San José, about a mile and a half to the right, we turned off the beaten track to encamp upon the stream. The water of this stream at this point is scarcely an inch in depth, and of a bright red color. Its constancy cannot be depended upon. Good bunch grass is found in the vicinity, and wood about half a mile off.

The road to-day has been generally quite good. Gypsum crops out on the left all along the way for the last six miles. The soil has been argillaceous, and, in spots of limited extent, looks as if it might produce pretty well. The *sylva* has been the dwarf cedar, sparsely scattered.

The Mexican mounted militia were discharged this evening, the colonel commanding tendering them his thanks for their services, and strongly reprobating the conduct of those who had deserted the command, and whom, he hoped, they would, on their return to their homes, hold up to the just ignominy which they deserved.

Thirty-first camp, Atrisco, opposite Albuquerque, September 21.—The wolves, last night, in the vicinity of our camp, were more uproarious than usual.

The troops resumed the march at 7 a. m., the course for the day being about north of east. The country to day has been generally rolling in the direction of our progress—for the first six or seven miles, *mésa* heights, with intervening areas of prairie land, being seen on our left. Soon after leaving camp, we could see ahead of us the serrated mountains of the Rio Grande stretching from north to south, looking blue and beautiful, and further to the south a couple of twin peaks lifting themselves high and conspicuously. Between four and five miles on our route, the highest points

of the Santa Fe mountains showed themselves for the first time, bearing northeast, the prospect suggesting the pleasing thought that our labors would soon terminate. Eight miles further brought us to the Rio Puerco, in the bed of which not a drop of water could be seen. The broad bed of this so-called river is about one hundred feet across, the narrower about twenty feet. A few cottonwood trees skirt the banks. Between three and four miles beyond the Puerco, earthy limestone crops out from the soil. Proceeding a few hundred yards further, we reached the summit of a swell of land, whence could be seen the broad valley of the Rio Grande, the mountains just back of Albuquerque now showing themselves in all the magnificence of their proportions. Shortly after, much to our relief, we met a wagon loaded with barrels of water which had been sent out by Major Howe, from Albuquerque, agreeably to the instructions of the colonel commanding, forwarded by express. The men were exceedingly thirsty, and drank correspondingly. When within seven miles of the Rio Grande, we caught, much to our delight, the first sight of its glimmering waters. A mile further, we fell in with a couple more of wagons from Albuquerque, loaded with water and forage for the troops. The river, however, being but five or six miles ahead, the order was given to continue forward. Two miles more brought us to where we could see the town of Albuquerque quartering on our left; houses could also be seen lying scattered for miles up and down the river, the cottonwood very sparsely dotting its banks. Just at dusk, we were winding our way through the little village of *Atrisco*, situated on the Rio Grande, opposite Albuquerque—our camp for the night being to the north of the town, in the midst of a fine plot of pasturage, convenient to the river.

The soil to day has been alternately argillaceous and arenaceous. The face of the country presented one expanse of barren waste, thinly sprinkled with dwarf cedar. The last half of the road was, a good portion of it, very heavy on account of sand, and in places quite hilly. The day's march has been 28.33 miles.

We met on the road to-day three Mexican men on horseback, two of them each with a woman behind him, and the third with a very pretty child in his arms. This is a common mode of travelling among them—the woman, however, most generally sitting in front. These women had their faces plastered with a sort of whitewash, also a very common fashion—the object being, as I am told, to protect them from the weather. Not unfrequently they are covered with a red pigment—but for what purpose, unless for the same reason the whitewash is used, I cannot divine. The fact, however, of their more frequently putting it on in blotches, would seem to point to some other object. But, whatever be the purpose, they in both instances give to the face a frightful and disgusting appearance.

Sad news has reached us to-night. The mail from the States, for which we all have been looking with so much anxiety, is reported to have been cut off by the Navajos, on its way out to us, at *Chelly*. This is a serious disappointment to us all.

Algodones, September 22.—The expedition, in its integrity, terminated at *Atrisco*. The different commands, artillery and infantry, are to march independently, each under the head of their respective chiefs, to Santa Fe, as soon as practicable. Colonel Washington and staff crossed over to Albuquerque this morning at the ford. The river at this point is probably about three hundred yards wide, the stream rapid, its depth four feet, and

its bottom of a somewhat quicksand character. During the higher stages of the water, the river is too deep to be forded; but, though this is the case at the several fords along its course, boats seem never to be resorted to by the Mexicans. Indeed, I have not seen a single one since I have been in the country.

Albuquerque, for a Mexican town, is tolerably well built. Its buildings, like all I have seen inhabited by Mexicans, are of a right parallelopipedon shape, constructed of adobes, (blocks of sun-dried mud,) and arranged generally on the four sides of a rectangle, thus creating an interior court (*pateo*) upon which nearly every one of the apartments opens. There is generally but one exterior or street entrance; and this is generally quite wide and high, the usual width being about six feet, and the height seven. They appear to be made thus wide, at least as far as I have been able to discover, to enable the burros (asses) and other animals to go through with their packs. They are generally secured by double doors. There are two or three buildings in the town with extensive fronts and *portales*, (porches,) which look, for this country, very well—one of them being the house formerly occupied by Governor Armijo. There is a military post at this place, garrisoned by a couple of companies of dragoons, the commanding officer being Major M. S. Howe, of the 2d dragoons. The population of the town and its immediate suburbs is probably about one thousand. Wood for fuel has to be drawn a distance of twenty-five miles.

Colonel Washington and myself, after partaking of the generous hospitality of Major Howe and his lady, left at two o'clock for Santa Fe, it being our intention to tarry all night at Algodones, the usual stopping-place for travellers either way between Albuquerque and the former place. Mr. Calhoun and Captain Ker were in company, the latter having kindly provided the vehicle which conveys us hither. On our left was the Rio Grande, and on our right, some eight or nine miles off, the lofty mountains of Albuquerque and Sandia. The valley of the Rio Grande for a number of miles above Albuquerque, presents the finest agricultural and pastoral country I have yet seen in New Mexico. The breadth of the valley under cultivation is, probably, not quite a mile. The clemency of the climate—it is some two thousand feet lower in altitude than Santa Fe—is such as to cause the grape and peach, as well as the melon, to grow to perfection. The corn also looks luxuriant and productive.

About six miles from Albuquerque, we passed the inconsiderable village of *Alameda*, the most conspicuous building in it being the Roman Catholic church. Six miles further, we passed by the pueblo of *Sandia*, a town similar in the style of its buildings to the other pueblo villages—the usual quantum of ladders and ragged-looking sheep and goat-pens discovering themselves about the premises. Just after leaving Sandia, within the space of about a mile along the road, are between sixty and seventy piles of stones, which are said to designate the localities where as many Navajos fell in a battle which the Pueblo Indians had with that people, some years since. Six miles more brought us to the small village of *Bernalillo*, its vicinage presenting some respectable-looking *rancho* residences, surrounded by well-cultivated grounds, which are fenced by *adobe* walls. Some of these walls are twelve feet high, and crowned with the cactus, to prevent their being scaled. Another six miles traversed, we found ourselves at Algodones, our stopping-place for the night. This miserable-looking village contains about forty houses, and has a population

of some two or three hundred souls. Subsistence, such as it is, and forage, can be obtained here. The inn, kept by a Mexican, is far from being such as it should be, either as respects cleanliness or the character of the *cuisine*. Miserable muddy coffee, a stew made of mutton smothered in onions, half-baked *tortillas*, (thin corn-cakes,) and a few boiled eggs, constitute the best meal it pretends to furnish. I do not know why it is, but I have not yet drunk a cup of coffee or eaten a *tortilla* of Mexican preparation, without its creating in some degree a sensation of nausea at the stomach. There is certainly great room for improvement in the cuisine of this country. The only eatable I have yet partaken of which does not become tainted by their cookery is the egg in its boiled state, and this is doubtless owing to its being protected by the shell.

The road from Albuquerque to Algodones is generally sandy, and in some places, on account of it, quite heavy.

Santa Fe, September 23.—Having, by a few moments of experience, last evening, become convinced that if I lay within doors all night I should not only have a fight with rabid insects, but have also great violence done to my *olfactories*, Lieutenant Ward and myself slept in the wagon; and a pretty comfortable night we have had of it.

We left Algodones for Santa Fe at half-past 7 a. m., our general course for the day being about northeast, and we taking the road *via* Delgado's *rancho*, (farm,) the usual wagon-route between the two places.

Basaltic trap, I noticed, crowned the *mésa* heights on the west side of the Río Grande between Algodones and San Felipe, the inferior formation appearing to be sandstone, horizontally stratified.

Six miles above Algodones, we passed the pueblo of *San Felipe*. This town is situated at the foot of the *mésa*, on the west side of the Río Grande, the river contracting at this point to a width of probably less than one hundred yards. This pueblo, like the others, has its two-storied houses, accessible by ladders; but neither it nor Sandia is as purely Indian in the style of its buildings as the other pueblos we have visited. It is, however, rather a neat-looking village, the Roman Catholic church, as usual, showing conspicuously. The ruins of what is usually called *Old San Felipe* are plainly visible, perched on the edge of the *mésa*, about a mile above the present town, on the west side of the river. These ruins are generally, I believe, regarded as indeed the remains of Old San Felipe; but a very intelligent Indian residing in the present town of that name has informed me that they are the remains of a people who have long since passed away, and of whom they know nothing. Half a mile above San Felipe, the road branches off—one branch extending to Santa Fe by the way of Santo Domingo, and the other to the same place by the way of Delgado's *rancho*, (farm.) The former branch is, probably, three or four miles shorter than the latter, and is on that account generally preferred for pack animals. The latter, however, is so much the better wagon-road as to cause it to be preferred for wheeled vehicles.

About twenty miles from Algodones, we crossed the Río Galisteo, the road following it up for some distance. Where we first met it, not a particle of water could be seen in its bed; but at the point where we left it, about half a mile above, it was a running stream. Colonel Washington informs me that in Chihuahua he traversed the bed of a river which was perfectly dry when the head of the column commenced crossing, but

within half an hour, before the whole column had passed over, it was scarcely fordable.

Some fine specimens of trap dike are discoverable just after crossing the Rio Galisteo—one of them resembling, as nearly as may be, an artificial wall; another, the dark-colored remains of an old pueblo. About six miles further, we crossed the small affluent of the Rio de Santa Fe, on which Delgado's *rancho* is situated. Travellers sometimes make this rancho a stopping-place for the night between Santa Fe and Albuquerque. Sixteen miles more traversed, at half-past three in the afternoon, much to the gratification of the whole party, we reached Santa Fe.

The road from Algodones to Santa Fe is generally very good, the only exception being a few short steep hills.

The face of the country to-day has presented, with some trifling exceptions—along the Rio Grande, at Delgado's, and between Agua Fria and Santa Fe—one extended barren waste of uncultivable soil.

Santa Fe, September 26.—The artillery, under Major Kendrick, reached this place yesterday; the infantry, under Captain Sykes, to-day.

*Character of the soil from the eastern base of the Sierra de Tumecha to Chelly, and thence to Santa Fe, by the return route.**

It may be thought, from the frequent mention of good land along the route since we left the eastern base of the Tumecha mountains, on our return trip, that fertility has characterized the country generally through which we have passed since that period. But, lest so erroneous an impression may obtain, I think it proper to observe that, for the greater portion of this distance, the road has threaded the valleys of the country, and therefore the land has presented itself such as I have described it. The country, it is true, has exhibited a greater extent of cultivable soil than that traversed between Santa Fe and the Tumecha mountains, but yet, in comparison with the whole area of surface, it should still be considered as but a very *small fractional part*.

The idea I pertinaciously adhered to when in the States, before ever having seen this country, was, that, besides partaking of the bold characteristics of the primary formations, rocks confusedly piled upon rocks, deep glens, an occasional cascade, green fertile valleys—the usual accompaniments of such characteristics with us in the States—it was also, like the country of the States, generally fertile, and covered with verdure. But never did I have, nor do I believe anybody can have, a full appreciation of the almost universal barrenness which pervades this country, until they come out, as I did, to “search the land,” and behold with their own eyes its general nakedness. The primary mountains present none of that wild, rocky, diversified, pleasing aspect which they do in the United States, but, on the contrary, are usually of a rounded form, covered by a dull, lifeless-colored soil, and generally destitute of any other sylvia than pine and cedar, most frequently of a sparse and dwarfish character. The sedimentary rocks, which, contrary to my preconceived notions, are the prevalent formations of the country, have a crude, half-made-up appearance, sometimes of a dull buff color, sometimes white, sometimes red, and some-

* See *ante*, thirteenth camp, August 31, for general character of the country traversed east of the Sierra de Tumecha.

times these alternating, and, being almost universally bare of vegetation, except that of a sparse, dwarfish, sickening-colored aspect, cannot be regarded as a general thing—at least, not until familiarity reconciles you to the sight—without a sensation of loathing. The face of the country, for the same reason—the general absence of all verdure, and the dead, dull, yellow aspect of its soil—has a tendency to create the same disagreeable sensation. I desire it, therefore, to be borne in mind that, when I have in the course of my journal spoken of *fertile* soil, or of *beautiful* prospects, I have spoken *relatively*—that is, in relation or contrast with the other portions of the country in which these exceptions have occurred, *and not in relation to our more favored domain in the States.*

Conclusion.

Before concluding my journal, I think it proper to bring to the notice of the department the expediency of having the country examined west of the Pueblo of Zuñi, for the ascertainment of a wagon-route from the former point to the Pueblo de los Angeles, or, failing in this, to San Diego.

The route from Santa Fe to Zuñi—a distance of two hundred and four miles—is, with a very slight application of labor, practicable for wagons; and the guide, Carravahal, who has been down the Rio de Zuñi to its junction with the Colorado of the West, says it continues practicable all the way along this tributary to the point mentioned.

Mr. Richard Campbell, of Santa Fe, since my return, has informed me that, in 1827, with a party of thirty-five men and a number of pack animals, he travelled from New Mexico to San Diego by the way of Zuñi and the valley of the Rio de Zuñi, and found no difficulty throughout the whole distance. He further states, there is no question that a good wagon-route, furnishing the proper quantum of wood, water, and grass, can be found in this direction, both to San Diego and the *Pueblo de los Angeles*. He informs me, however, that, in order to reach the Rio Colarado, the Rio de Zuñi would have to be diverged from at the falls, within a few miles of its confluence with the Colorado, and a valley running generally southwardly followed down to its junction with the valley of that river.

He has further informed me that above the mouth of the Rio de Zuñi there is a ford, called *El Vado de los Padres*, (the Ford of the Fathers,) to which a route leads from Zuñi by the way of the pueblos of the Moquis. This route, which he represents as much shorter than the other, is, however, on account of the difficulty of crossing the cañon of the river at the ford, only practicable for pack animals.

The Colorado, when he crossed it, near the mouth of the Rio de Zuñi, was fordable; but he is of the opinion that it might not always be found so.

It is proper for me, however, in this connexion, to state that I have conversed with two or three trappers, who represent that the Colorado is so deeply cañoned from its mouth upwards as to make a wagon-route in the direction proposed impracticable. These persons, however, have at the same time stated that they know nothing personally of the *continuous* existence of this cañon, never having been immediately on the ground: their representations, then, should not counterbalance the statement of those who have.

I have introduced the above representations, to which I might add those

of other persons, corroborative of the statements of Messrs. Carravahal and Campbell, in order that the department, being advised of the true state of the information attainable upon the subject, might take such action and give such instructions in the premises as, in its judgment, it might deem expedient.

By reference to the map, it will readily be seen that a route from Santa Fe to Pueblo de los Angeles, in the direction suggested, running as it would intermediate between the southern detour of Cook's route and the northern detour of the "Spanish trail" route, or, in other words, as direct as possible, would not only be shorter by probably as much as three hundred miles than either of these routes, but, passing by the pueblos of Laguna and Zuñi, and possibly of the Moquis, situated still further westward, would furnish supplies of subsistence and repairs of outfit for certainly the first two hundred, if not three hundred, miles of the way—*desiderata* certainly not to be disregarded.

Respectfully submitted.

JAMES H. SIMPSON,
First Lieutenant Corps Topographical Engineers.

APPENDIX A.

Lieutenant Simpson's report to Lieutenant Colonel Washington of a reconnaissance with a view to the establishment of a post on the borders of the Navajo country.

SANTA FE, October 10, 1849.

SIR: In accordance with orders No. 35, current series, issued from headquarters of department No. 9, requiring me to make a reconnaissance of the country in the vicinity of Cebolleta, with a view to the selection of a suitable position for a post in that vicinity, I have the honor to report that I have made the reconnaissance required by said order, and present the following as the result.

The point I would suggest as the most suitable one for the location of a post is the small settlement called Cebolletita, situated two and a quarter miles to the south of, and in the same valley with, Cebolleta, and on the road leading from the Pueblo of Laguna to Cebolleta. My reasons for this selection are involved in the following considerations:

The Navajo nation is the principal one to which the post in question, in its military aspects, is to have relation. Coming from the mountains immediately to the north and back of Cebolleta, (see map,) and passing by Cebolleta and Cebolletita, is an avenue of approach from the Navajo country to the Mexican settlements in that and the neighboring quarter to the east of it. To the east of the selected point, I was informed there was another or other avenues of approach. To the west, by the way of the valley of the Rio de San José and one of its tributaries, there are two other avenues of descent to be guarded against. Now, as the number of posts to be established is but one, it is obvious that its position should be such as to affect the greatest possible area of country, and that in the most prompt and effective manner. This position, evidently, then, should be a central one. This condition is fulfilled in the case in question by locating the post at the place stated—Cebolletita.

The next considerations are, that the locality selected is where the essentials wood and water are abundant for the troops, grass abundant for the stock, and corn doubtless to be had in sufficient quantities from that and the neighboring villages.

In regard to the quarters at the point referred to, there are three *ranchos*, upon which are buildings suitable—with some slight repairs, in the case of one—for the quarters of the troops. These buildings belong, respectively, to Juan Chavez, Manuel Chavez, and José Francisco Arogonas; and the order in which they are named is the order of their convenience in respect to wood and water. The first two, I was assured, could be rented; the third, in all probability, if necessary, could be also.

In regard to the facilities of communication, there is a pack-mule route from Cebolletita to Albuquerque, the distance between the two places being represented to be from forty-five to fifty miles. There are also two wagon roads from Cebolletita to Albuquerque—one by way of the Pueblo de Laguna, which we found pretty good; and the other, a more direct one, by the way of Alamo, said to be the shorter, and equally good. The distance to Albuquerque by the Laguna road is: to Laguna, sixteen miles; thence to Albuquerque, forty-five miles—in all, sixty-one miles.*

The valley in which it is proposed to locate the post, I would further remark, besides being the most pleasant one I saw within the circuit of my reconnaissance, is more thickly populated with Mexicans than any in that region.

Another advantage the locality possesses is its proximity to the friendly Navajos—a position which enables them to be reciprocally protected by our troops, and at the same time give that information in relation to their neighbors which might be of the highest importance to us in our relations with them.

I should not fail to report, that the escort accompanying me was commanded by Lieutenant John Buford, of the 2d dragoons, whom I ever found willing and effective in his co-operation with me in the discharge of my duties.

I am, &c.,

J. H. SIMPSON,

First Lieut. Corps Topographical Engineers.

To Lieutenant Colonel J. M. WASHINGTON,

Commanding 9th Military Department.

*Since the establishment of the post at Cebolleta, a pack-mule route has been discovered from that post to Santa Fe by the way of the Pueblo of Jemez, which, doubtless, is from fifteen to twenty miles shorter than by the way of Albuquerque.

A comparative vocabulary of words in the languages of the Pueblo or civil

Name of the object in English.	In the language of the Pueblo I			
	Santo Domingo, San Felipe, Santa Anna, Silla, Laguna, Pojuate, Acoma, Cochiti. (1.)	San Juan, Santa Clara, S. Aldefonso, Pojuaque, Nambé, Tsaucque. (2)	Taos, Picuris, Sandia, Isleta. (3.)	Jemez, (old Pecos.) (4.)
God	Dios, (Sp.) Montezuma, they say, is synonymous with Dios.	Give no other word than the Span. Dios.	Huam-may-ah	Pay. (Same as for sun.)
Heavens				
Sun		Pah	Hoo-len-nah	Pay
Moon		Poy-ye	Pan-nah	Pah-ah
Star	She-cat	A-doy-e-ah	Hah-he-glan-nah	Woon-hah
Cloud				
Earth	Hah-ats	Nah	Pah-han-nah	Dock-ah
Man	Hats-see	Say-en	Tah-hah-ne-nah	Shu-o-tish
Woman	Nai-at-ay	Ker	Clay-an-nah	Ste-osh
Wife	Kar-nat-shu	Nah-ve-so	Could give no word	Ne-ohoy
Boy	O-nue	An-noh	Dy-you-oo-nah	Ah-cue
Boy (infant)	Sah-wish-sha			
Girl	Koy-ysh	An-ugh	Koo-ac-lon-nah	
Girl (infant)	Sah-wish-sha			Foud-o-hos-che
Head	Nash-can-ne	Pum-bah	Pi-ne-nah	Chit-chous
Forehead	Cop-pay	Sic-co-vah	Pah-hem-nah	Wah-pay
Face	Ko-wah	Cho-ay	Cha-gah-neem-may	Tcho-tah
Eye	Kan-nah	Chay	Che-nay	Saech
Nose	Kar-wish-she	Shay	Poo-ae-nak	For-saech
Mouth	Tsee-kah	Sho	Clah-mo-e-nah	E-ae-quah
Teeth	Har-at-chay-nay	Moo-ah	Mo-en-nah-en-hay	Goo-whan
Tongue	Wah-at-chin	Hah	May-oon-on-en-ah	Ain-lah
Chin	Tyars-kah	Sab-boh	Clah-bon-hay	Ah-tish
Ear	Kah-se-pah	O-ye-o	Tag-lay-o-nay	Wash-chish
Hair	Har-tran	Poh	Pah-han-nay	Fore-lah
Neck	Wit-trah-ne	Kah	Gah-ne-may	Toe
Arm	Kah-u-may	Ko	Hah-en-nay	Hah
Elbow				
Hand	Kah-mosh tay	Mah		Mah-tish
Finger				
Breast	Quais-pah	Pe-ah	Pah-ah-kay-nay-ne-may	Pay-lu
Leg	Kay-ah-kah		Pah-nay	Hong
Knee				
Foot	Kar-tay	Ah	E-en-en-nah	Awn-dash
Deer	Ke-ah-ne	Pah-ye	Tah-mean-mah	Pah-ah
Buffalo	Moo-shats	Kah	Kah-nah-neem-mah	Toss-chach
Horse	Kah-yai-ah	As in Span.	Kah-wan-nah. (Probably a corruption of the Spanish.)	Gu-nah
Serpent	Skers-ker	Could give no word.	Hatch-oo-nah	Pay-chu-tah

DIX B.

zed Indians of New Mexico and of the wild tribes inhabiting its borders.

Name of—		In the language of the wild tribes denominated—		
Zufi. (5.)	Moqui. (6.)	Navajos. (7.)	Ticorillas, (a branch of the Apaches.) (8.)	Utahs. (9.)
Hoe-wo-nac-we-o-nah.	Toc-kill.....	Yuah-del-kill..	Dios. (Span.)	
.....	Toke-pay-lah...			
Is-tock-kah.....	Tah-wah.....	Cho-hae-nae-i..		Tap.
.....	Moo-yah.....	Old-chay.....		Mah-tots
Mo-yat-chu-way.....	O-mow.....	Del-gay-he.....	Shah.....	Quah-lantz.
.....	Tou.h-quae.....	Ne.....	Nay.....	
Os-look-nan-nay.....	Se-ke-ah.....	Ten-nay.....	Tin-lay.....	Toe-on-pay-ah.
.....	.....	E-ten-nay.....	Tay-kay.....	Nai-jah.
.....	.....	Cha-at.....	Pe-aug-oo-le..	
Could give no word.....	.....	Che-yaz.....	Is-ke-e.....	Ah-pata.
Ar-ec-ke.....	.....			
Tyn-nah.....	.....		Mem-che-to....	Mah-mats.
			(Doubtless a corruption of <i>muchachitos</i> —Spanish.)	
West-zah-nah.....	Qua-tah.....	Chay-way.....		
Os-look-quin-nay.....	Col-ler.....	Hut-se.....	It-se.....	Tuts.
Huck-kin-nay.....	.....	Hut-tah.....	Pin-nay.....	Mut-tock.
No-on-ne-nay.....	.....	Hun-ne.....	Pin-dah.....	Koo-elp.
Too-nah-way.....	.....	Hun-nah.....	Witch-chess...	Put-ty-shoe.
No-lin-nay.....	.....	Hut-chin.....	Huz-zay.....	Mah-ve-tah.
Ac-rab-tin-nay.....	.....	How-go.....	E-gho.....	Timp.
Osah-way.....	.....	Hot-so.....	E-zah-te.....	Tong.
Ho-in-nay.....	.....	Hi-ot-ze.....	E-zay-tah.....	Ah-oh.
Kay-which-chin-nay.....	.....	Hut-chah.....	Wick-yah.....	Hah-nock-quell.
Sah-eh-nack-tin-nay.....	.....	Hot-se.....	It-se.....	Nink.
Trah-way.....	.....	Huck-quoss.....	Wick-cost.....	Su-ooh.
Kan-sin-nay.....	.....	Hut-con.....	Wit-se.....	Kolph.
Ar-ec-way.....	.....			Poo-ir.
.....				
Shoo-che-way.....	.....	Hu'-lah.....	Wis-lah.....	Mas-seer.
.....				
Post-tan-nay.....	.....	Hay-yete.....	Ko-jay-ae.....	Pay.
Back-que-way.....	.....	Hut-yah.....	Wit cha-te.....	
.....				
Wako-que-a-way.....	.....	Hut-kay.....	Wit-kay.....	Namp.
.....	.....	Pay-ye.....	Pay-ah.....	
Too-eh-kay-one-na-way.....	.....	A-yan-ne.....	Yah-nay.....	
Too-ah.....	.....	Kle.....	Shle.....	Kah-vah.
	As in Spanish..			
Ch-to-lah.....	.....	Kot-so.....	Ko-oh.....	Toe-weroe

Name of the object in English.	In the language of the Pueblo Indians			
	Santo Domingo, San Felipe, Santa Anna, Silla, Laguna, Pojuate, Acoma, Chichil. (1.)	San Juan, Santa Clara, S. Aldefonso, Pojuate, Nambe, Teauque. (2.)	Taos, Picoria, Sandia, Isleta. (3.)	Jemez, (old Pecos.) (4.)
Rattlesnake.	Shrue-o-we	Pay-yoh	Pi-ho-own	Kae-ah-vae-lah
Dog	Tish	Cher	So-dor-nah	Caw-nu
Cat	Moos	Moo-sah	Moo-se-e-nah	Moon-sah
Fire	Hah-kan-ye	Tah	Pah-an-nah	Twa-ah
Wood		Sun		
Water	Tseata	Ogh	Poh-ah-oon	Pah
Stone				Ka-ah-ah
Cactus	Ae-morch-te	Sow-wah		Te-ah
Corn				
Bean				
Bread	Pah. (Probably a corruption of the Span. pan.)	As in Span.	Ah-coon-nah	Zo-tane-bae-lah
Flesh	Ish-sha-ne	Pe-we	Zoe-an-nay	Gu-nay-nat-si
Bow				
Arrow				
Fusil	O-nietz	Pe-quar-re	Tah-we-nan	Tah-his-tah
Sword				
Spurs				
Whip				
Pipe				
Hat				
Friend		Kc-nah		

NOTES.

(1.) Obtained by Lieutenant Simpson from U-kat-te-wah, (all the world looks as the man that sings,) governor of the pueblo of Santo Domingo.

(2.) Obtained by Lieutenant Simpson, through Mr. E. M. Kern, from an Indian belonging to the pueblo of San Juan.

(3.) Obtained by Lieutenant Simpson, through Dr. Horace R. Wirtz, U. S. A., from an Indian belonging to the pueblo of Taos.

(4.) Obtained by Lieutenant Simpson from an Indian belonging to the pueblo of Jemez, by name Da-ha-du-lu, (eagle.)

(5.) Obtained by Lieutenant Simpson from an Indian belonging to the pueblo of Zuffi, by name, as he wrote it himself, Lilu. Mexican name, Juan Christoval.

(6.) Obtained by Lieutenant Simpson from a Moqui Indian who happened to be at Chelly when the troops were there.

(7.) Obtained by Lieutenant Simpson from a friendly Navajo chief, by name Tus-ca ho-gont-le. Mexican name, Sandoval.

(8.) Obtained by Lieutenant Simpson from an Apache Indian, a prisoner in the guard-house at Santa Fe.

(9.) Obtained by Lieutenant Simpson from an Utah Indian, a prisoner in the guard-house at Santa Fe.

Continued.

Name of—		In the language of the wild tribes denominated—		
Zuñi. (5.)	Moqui. (6.)	Navajos. (7.)	Ticorillas, (a branch of the Apaches.) (8)	Utahs. (9.)
Woo-uh.....	Po-ku.....	Klish.....		
Moo-uh.....		Klay-cho.	Klin-cha-ah...	Sah-ree-ah.
Mak-ke.....	Day-bor.....	Moose.....	Moo-sah.....	Moo-sah.
	Ser-her-be.....	El-chin.....	Cone.....	Coon.
Lo-o-way.....		Tos.....	Ko.....	Oof.
				Pah.
Te-mo-nay.....				
Mah.....	Kar-uk.....			
	Se-ka-mo-se.....			
Mo-hen-nay.....		Pah. (Probably a corruption of the Span. pan.)	Klay-tun-che-chay.	
		Et-se.....	It-se.....	
He-lay.....	Au-ah.....	Ho-huck.....		
		Pay-dil-ston..	Jeh-kay.....	
Mo-an-nan-nay.....	A-muck-te.....			
	Le-po-wah.....			
	Le-pom-uck-ke..			
	Wo-bock-pe....			
	Chong.....			
	Pa-ta-nock-a-chee			

NOTES.

In all such syllables as ah, mah, nah, tah, &c., a has the same sound as in fat.

In all such syllables as ay, may, nay, kay, &c., a has the same sound as in fate.

The following Indian names were obtained by Lieutenant Simpson, through Mr. R. H. Kern, from Indians belonging to the pueblos named :

The Indian name of the pueblo of Santa Anna.... is Tom-i-ya.

Do..... do..... Santo Domingo is Ge-o-way.

Do..... do..... Cochiti..... is Ko-cke.

Do..... do..... Silla..... is Tee-ah.

Do..... do..... San Felipe..... is Ka-lis-cha.

Do..... do..... Pecos..... is A-cu-lah.

Do..... do..... Jemez..... is Ha-waw-wah-lah-too-waw.

I am informed that the Indians of the Pueblo de Lentes have lost their original tongue, and now speak entirely the Spanish language.

The only tribes which, in the above vocabulary, discover any obvious affinity in their languages, are the Navajos and the Ticorillas. It is, however, somewhat remarkable that the word *tsai*, (moose,) with some slight variations, should be found common to them all.

APPENDIX C.

Assistant Surgeon Hammond's description of a room found among the ruins of the Pueblo Bonito.

CAÑON DE CHAI, UPPER CALIFORNIA,
September 7, 1849.

SIR: At your request, I send you a description of a room that I saw, in company with Mr. Collins, of Santa Fe, in the ruins of the Pueblo Bonito, in the Cañon of Chaco, on the 28th ult.

It was in the second of three ranges of rooms on the north side of the ruins. The door opened at the base of the wall, towards the interior of the building; it had never been more than two feet and a half high, and was filled two-thirds with rubbish. The lintels were of natural sticks of wood, one and a half to two and a half inches in diameter, deprived of the bark, and placed at distances of two or three inches apart; yet their ends were attached to each other by withes of oak with its bark well preserved. The room was in the form of a parallelogram, about twelve feet in length, eight feet wide, and the walls, as they stood at the time of observation, seven feet high. The floor was of earth, and the surface irregular. The walls were about two feet thick, and plastered within with a layer of red mud one-fourth of an inch thick. The latter having fallen off in places showed the material of the wall to be sandstone. The stone was ground into pieces the size of our ordinary bricks, the angles not as perfectly formed, though nearly so, and put up in break-joints, having intervals between them, on every side, of about two inches. The intervals were filled with laminæ of a dense sandstone, about three lines in thickness, driven firmly in, and broken off even with the general plane of the wall—the whole resembling mosaic work. Niches, varying in size from two inches to two feet and a half square, and two inches to one and a half feet in horizontal depth, were scattered irregularly over the walls, at various heights above the floor. Near the place of the ceiling, the walls were penetrated horizontally by eight cylindrical beams, about seven inches in diameter; their ends were on a line with the interior planes of the walls they penetrated, and the surfaces of them perpendicular to the length of the beam. They had the appearance of having been sawed off originally, except that there were no marks of the saw left on them; time had slightly disintegrated the surfaces, rounding the edges somewhat here and there. Supporting the floor above were six cylindrical beams, about seven inches in diameter, passing transversely of the room, and at distances of less than two feet apart—the branches of the trees having been hewn off by means of a blunt edged instrument. Above, and resting on these, running longitudinally with the room, were poles of various lengths, about two inches in diameter, irregularly straight, placed in contact with each other, covering all the top of the room, bound together at irregular and various distances, generally at their ends, by slips apparently of palm-leaf or marquez, and the same material converted into cords about one-fourth of an inch in diameter, formed of two strans, hung from the poles at several points. Above, and resting upon the poles, closing all above, passing transversely of the room, were planks about seven inches wide and three-fourths of an inch in thickness. The width of the plank was uniform, and so was the thickness. They were

in contact, or nearly so, admitting but little more than the passage of a knife blade between them, by the edges, through the whole of their lengths. They were not jointed; all their surfaces were level, and as smooth as if planed, excepting the ends; the angles as regular and perfect as could be retained by such vegetable matter. They are probably of pine or cedar, exposed to the atmosphere for as long a time as it is probable these have been. The ends of the plank, several of which were in view, terminated in a line perpendicular to the length of the plank, and the plank appears to have been severed by a blunt instrument. The planks—I examined them minutely by the eye and the touch, for the marks of the saw and other instruments—were smooth, and colored brown by time or by smoke. Beyond the plank nothing was distinguishable from within. The room was redolent with the perfume of cedar. Externally, upon the top, was a heap of stone and mud, ruins that have fallen from above, immovable by the instruments that we had along.

The beams were probably severed by contusions from a dull instrument, and their surfaces ground plain and smooth by a slab of rock; and the plank, split or hewn from the trees, were, no doubt, rendered smooth by the same means.

Very respectfully, your obedient servant,

J. F. HAMMOND,

Assistant Surgeon U. S. Army.

First Lieut. J. H. SIMPSON,

Corps Topographical Engineers, U. S. Army.

Ex.—10

APPENDIX D.

Schedule of minerals collected by Lieutenant J. H. Simpson, corps of topographical engineers, along the route from Santa Fé, New Mexico, to Chelly, in the Navajo country, via Santa Domingo, Jemez, and Pass Washington of the Sierra de Tunéché, and from Chelly back to Santa Fé, by the way of Zuñi, Laguna, and Albuquerque, in the fall of 1849.

No. of specimens.	Locality.			Remarks.
	Name.	Latitude.	Longitude.	
		Deg. min. sec.	Deg. min. sec.	
1	Valley of the Rio Jemez.	35 46 00 N..	106 47 00 W.	Found about an abandoned furnace.*
2	do.....	35 48 00	106 48 00	Incrustations about mouth of Los Ojos calientes (hot springs.) Thermometer, when immersed, rose to 169° Fahrenheit. Eggs were cooked in from 15 to 20 minutes, and venison in a much shorter time. Boiling point of water at the Pueblo of Jemez several feet lower in altitude, 196°.
3	Cañon de Penasca....	35 34 00	106 57 00	
4	do.....	35 38 00	107 00 00	
5	Cañon de la Copa	35 40 00	107 11 00	Found in thin seams in sandstone formation.
6	do.....	35 40 00	107 11 00	Found in crevices of sandstone rock, and sometimes adhering to the face of the rock.
7	Sierra Madre (or highlands) dividing the waters of the Atlantic from those of the Pacific.	35 51 00	107 29 00	Scoriaceous matter protruding through an argillaceous rock which is burnt to different degrees of calcination and underlaid by a friable sandstone of a dirty yellowish color.
8	Sierra de los Mimbres.	35 51 00	107 29 00	Broken off a stump, which, by falling over, had split into two parts. Length of stump 4 feet diameter; in its integrity 2½ feet. Some stumps still standing upright, in place, upon the surface of a very shallow basin. Bituminous coal cropping from the soil in close proximity. Drawings of these petrefactions accompany my report.
9	Pueblo Pintado, (one of the ruins of Chaco.)	35 58 00	107 47 00	A fragment of a stone taken from a front face of the structure; its thickness about the ordinary thickness of the building material.

*Believing that the department could submit the specimens to a competent geologist for examination, I have thought it would best comport with accuracy to defer presenting their scientific names until they could be given by such authority.

APPENDIX D—Continued.

No. of specimen.	Locality.			Remarks.
	Name.	Latitude.	Longitude.	
		<i>Deg. min. sec.</i>	<i>Deg. min. sec.</i>	
10	Cañon of Chaco.....	.....	.....	Found on the side of a knoll.
11	Tunéchá valley.....	.....	.....	Found in fragments ever since we left the valley of the Rio Puerco. Bituminous coal of a slaty character, in connexion with arenaceous and argillaceous rocks, being in association with it.
12	East base of the Sierra de Tunéchá.	36 12 00 N..	108 52 00 W.	Bituminous coal, as above stated, has been found co-extensive with the country, lying between the valley of the Rio Puerco and the east base of the Sierra de Tunéchá, or through a longitudinal interval of 13°, but none so good as that illustrated by the specimen presented. This last crops out from the escarpment of an <i>arroyo</i> in beds from 2 to 3 feet thick, interstratified with argillaceous shale.
13	Pass Washington of the Sierra de Tunéchá.	36 3 22	108 56 00	Similar specimens found at other points of the Sierra de Tunéchá along the route.
14	Sienéguilla de Tusaíta (Little John's meadows.)	36 10 36	109 12 15	Found strewn extensively over the meadows.
15	Cañon of Chelly.....	36 7 00	109 16 00	Broken from a petrified tree which protruded horizontally from the north escarpment of the cañon of Chelly, its end only being visible. Diameter of tree 1 foot. Found in drift conglomerate, this formation alternating with sandstone rock composing the superincumbent mass of rock to the top or crest of the cañon, or for a height of about 300 feet.
16	Cañon of Chelly.....	36 7 00	109 16 00	Found on a shelf of the north wall of the cañon about 300 feet below the top or crest.
17	.....	35 12 00	109 11 00	Found strewn over an argillaceous soil of a reddish color.

APPENDIX D—Continued.

Schedule of miscellaneous specimens found along and near the route.

No. of specimen.	Locality.			Remarks.
	Name.	Latitude.	Longitude.	
		<i>Deg. min. sec.</i> Between	<i>Deg. min. sec.</i> Between	
18	Ruins in cañon of Chaco.	35 37 00 and 36 04 00 N..	107 47 00 and 108 08 00 W.	Fragment of the end of a floor beam 6 inches in diameter, also of a piece of board; each showing an end just as it was found; also specimens of the brushwood and bark which sustain upon the floor beams the superincumbent flooring of mud mortar; also a specimen of a rope found depending from the ceiling of one of the rooms.
19	Ruins of Chaco. Ruins of cañon of Chelly. Ruins of Inscription or Moro rock.	.....	.....	Specimens of pottery found at the ruins mentioned.
20	Navajo country.....	.....	.....	Got from a Navajo Indian; precise locality not known.
21	Vicinity of Santa Fé.	.....	.....	These calcareous fossils were found imbedded at foot of west slope of Santa Fé (Rocky) mountains. Dip of beds about 45° eastward, or toward the axis of the range. Contiguous to the calcareous outcrop, and on its west side, is an outcrop of micaceous slate antichinal to the limestone formation; or, in other words, it has a dip westward of about 45°. Does not this relation show that the limestone must have been deposited subsequent to the elevation of the Rocky mountains, but prior to the upheave of the slate formation? All the specimens except the yellowish one, which was got from a neighboring locality, and doubtless from the same formation, show signs of having been slightly calcined in the kiln which is at the outcrop.

APPENDIX E.

Table of geographical positions.

Number of camp.	Place of observation, and name of locality.	Distances, measured by viometer, in miles and hundredths.		North lati- tude.	Longitude west from Greenwich.		Authorities.
		From camp to camp.	From Santa Fé.		In time.	In arc.	
To	Santa Fé.....	.....	.....	0° 35' 41" 06	h. m. s. 7 04 10	0° 108' 03" 30	Bvt. Major W. H. Emory.
1	Sienequilla, on Rio Santa Fé.....	16.02	16.02				
2	On Rio Grande, opposite Santo Domingo...	14.85	30.87	35 30 56	7 55 59	106 29 45	Lieut. J. H. Simpson.
3	One-third of a mile north of Jemez.....	26.60	57.47	35 36 07	7 07 25	106 51 15	do.
4	Three miles south of San Isidora.....	5.78	63.25				
5	On Rio de Chacoli.....	16.27	79.52	.....	7 08 13	107 03 15	do.
6	Cañada de Piedra de Lumbré.....	13.27	92.79	35 46 13			
7	Cañon de Torrejon.....	13.55	106.34	35 50 31	7 09 35	107 23 45	do.
8	One mile S.E. of ruins of Pueblo Pintado...	21.45	127.79	35 56 27	7 11 04	107 46 00	do.
9	Vicinity of Mesa Tachada.....	14.86	142.65				
10	.....	24.53	167.18				
11	Tunichá valley.....	14.60	181.78	36 04 35	7 14 38	108 39 30	do.
12	Tunichá creek.....	17.21	199.99	36 12 59	7 15 22.68	108 50 45	do.
13	.....	4.32	203.31				
14	(Estimated).....	10.00	213.31	36 07 42	7 15 37	108 54 15	do.
15	Pass Washington, (estimated).....	6.00	219.31	36 03 22	7 15 44	108 56 00	do.
16	Sienequilla Chicita, (estimated).....	12.00	231.31	36 02 07	7 16 23	109 05 45	do.
17	Sienequilla de Juanito.....	13.43	244.74	36 10 36	7 16 49	109 12 15	do.
18	Cascade creek.....	7.39	252.13				
19	Two miles W. of N. from mouth of the cañon of Chelly.....	26.45	278.58	36 09 04	7 18 50	109 42 30	do.
20	Sierra de Laguna.....	20.50	299.08				
21	Cañoncito Bonito.....	24.83	303.91	.....	7 17 02	109 13 30	do.
22	Spring.....	23.02	346.93	.....	7 17 14	109 18 30	do.
23	.....	8.29	355.22				
24	.....	12.08	367.30	35 11 56	7 16 27	109 06 45	do.

Number of camp.	Place of observation, and name of locality.	Distances, measured by viameter, in miles and hundredths.		North latitude.	Longitude west from Greenwich.		Authorities.
		From camp to camp.	From Santa Fé.		In time.	In arc.	
25	Two and a half miles N.E. from Zúñi.....	17.45	384.75	° ' "	h. m. s.	° ' "	
26	Ojos del Pécado.....	13.71	398.46	35 05 12	7 14 46	108 41 45	Lieut. J. H. Simpson.
27	Ojo de Gallenas.....	27.14	425.60				
28	Ojo del Gallo.....	18.49	443.09	35 05 17			do.
29	Two miles N.W. of Pueblo de Lagunas.....	28.93	472.02	35 00 49			do.
30	On Rio de San José.....	18.51	491.53				
31	Atrisco, opposite Albuquerque.....	28.33	519.86				
32	One mile above Bernalillo.....	20.70	540.56				
32	Crossing of Rio Gallestio.....	22.83 } 7.92 }	571.31				
33	Delgados Ranch.....	15.80	581.11	35 41 06	7 04 10	106 02 30	Bvt. Major W. H. Emory.
33	Santa Fé.....						

APPENDIX F.

TABLE OF ASTRONOMICAL OBSERVATIONS.

AUGUST 14, 1849.—*Santa Fe, New Mexico.*

DETERMINATION OF TIME.

Time—P. M.			Double altitudes of sun's upper limb.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
4	51	51	51	12	20
5	2	12	47	0	0
5	3	47	46	21	50
5	5	47	45	32	30
5	7	5	45	0	50

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
4	49	56.4	0	12	12	7	4	10

NOTE.—Index error of sextant = — 37 sec.; and this error was found to be so nearly constant during the several observations along the route, that it may be regarded as such without materially affecting the results.

Rate of chronometer, on a comparison of observation made at Santa Fe before and after the termination of the reconnaissance, found to be a gaining one 1.17 seconds; and this is the rate assumed in the determination of the geographical positions.

Civil time is made use of in all the observations.

The latitude and longitude of Santa Fe assumed, as determined absolutely by Brevet Major Emory in 1846, and to the latter are referred chronometrically the several geographical positions.—(See table of geographical positions on Emory's map of 1846-'47.)

APPENDIX F—Continued.

AUGUST 17, 1849.—*Camp 2, on Rio Grande, opposite Santo Domingo.*

DETERMINATION OF TIME.

Time—P. M.			Double altitudes of sun's upper limb.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
4	6	30	69	2	10
4	8	37	68	11	10
4	9	52	67	40	50
4	12	54	66	27	10
4	14	19	65	52	50

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
3	56	22.25	0	14	4.15	7	5	59

AUGUST 18, 1849.—*Camp 2.*

DETERMINATION OF LATITUDE.

Time—A. M.			Double altitudes of Polaris.			Resulting latitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
4	7	40	74	2	50	35	30	56
4	11	27	74	2	40			
4	13	35	74	1	0			
4	16	13	74	1	0			

APPENDIX F—Continued.

AUGUST 19, 1849.—*Camp 3, one-third mile north of Jemez.*

DETERMINATION OF TIME.

Time—A. M.			Double altitudes of sun's upper limb.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	17	33	63	19	40
8	18	57	63	53	40
8	20	29	64	30	30
8	22	22	65	15	50
8	23	30	65	43	40

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
8	5	1.9	0	15	32.3	7	7	25

AUGUST 21, 1849.—*Camp 3, one-third mile north of Jemez.*

DETERMINATION OF LATITUDE.

Time—P. M.			Double altitudes of Polaris.			Resulting latitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	49	11	70	54	40	}	35	36
8	55	38	70	57	30			
8	59	21	71	0	30			
9	1	51	71	2	0			
9	3	50	71	3	30			
9	5	9	71	4	10			

APPENDIX F—Continued.

AUGUST 24, 1849.—*Camp 5, valley of Chacoli.*

DETERMINATION OF TIME.

Time—A. M.			Double altitudes of the sun's upper limb.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	22	12	63	25	10
8	23	6	63	46	9
8	24	6	64	10	30
8	25	38	64	47	40
8	26	28	65	7	30

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
8	7	51.7	0	16	26.3	7	8	13

AUGUST 25, 1849.—*Camp 6.*

DETERMINATION OF LATITUDE.

Time—A. M.			Double altitudes of Polaris.			Resulting latitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
12	59	3	74	8	40	}	35	46
1	1	43	74	9	0			

NOTE.—Intervening clouds prevented more observations being taken.

APPENDIX F—Continued.

AUGUST 25, 1849.—*Camp 7, Cañon de Torrejon.*

DETERMINATION OF TIME.

Time—P. M.			Double altitudes of sun's upper limb.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
4	54	35	48	45	21
4	56	13	46	38	10
4	57	18	46	11	20
4	58	9	45	50	40

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
4	38	43.45	0	17	50.3	7	9	35

AUGUST 25.—*Camp 7.*

DETERMINATION OF LATITUDE.

Time—P. M.			Double altitudes of Polaris.			Resulting latitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	42	0	71	26	10	35	50	31
8	47	47	71	31	20			
8	51	37	71	33	10			
8	53	58	71	36	10			
8	55	35	71	36	50			

APPENDIX F—Continued.

AUGUST 26, 1849.—*Camp 8, one mile south of ruins of Pueblo Pintado.*

DETERMINATION OF TIME.

Time—P. M.			Double altitudes of Arcturus (in the west.)		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	30	42	61	33	50
8	32	35	60	48	20
8	34	3	60	12	50
8	37	41	58	44	10

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
8	14	25.7	0	19	20.18	7	11	4

AUGUST 26, 1849.—*Camp 8.*

DETERMINATION OF LATITUDE.

Time—P. M.			Double altitudes of Polaris.			Resulting latitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	46	21	71	43	50	35	56	27
8	48	0	71	45	30			
8	50	21	71	45	40			
8	51	34	71	47	20			
8	53	19	71	48	30			
8	55	38	71	51	40			

APPENDIX F—Continued.

AUGUST 29, 1849.—*Camp 11, Tunéchá valley.*

DETERMINATION OF LATITUDE.

Time—P. M.			Double altitudes of Polaris.			Resulting latitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	18	43	71	43	50	36	4	35
8	20	47	71	45	30			
8	24	44	71	48	20			
8	26	37	71	51	40			
8	28	31	71	51	30			

AUGUST 29, 1849.—*Camp 11.*

DETERMINATION OF TIME.

Time—P. M.			Double altitudes of Arcturus (in the west.)		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	32	6	57	43	10
8	34	42	56	40	10
8	37	58	55	18	40
8	41	56	53	42	50
8	45	34	52	16	10
8	47	41	51	23	40

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
8	17	1.70	0	22	57.80	7	14	38

APPENDIX F—Continued.

August 30, 1849.—*Camp 12, Tunéché creek.*

DETERMINATION OF TIME.

Time—P. M.			Double altitudes of sun's upper limb.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
4	39	0	53	11	50
4	40	2	52	47	10
4	41	16	52	18	10
4	42	4	51	59	0
4	43	14	51	30	10
4	44	6	51	10	10

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
4	17	53.93	0	23	43.40	7	15	22.68

August 30, 1849.—*Camp 12.*

DETERMINATION OF LATITUDE.

Time—P. M.			Double altitudes of Polaris.			Resulting latitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	25	40	72	8	20	36	12	59
8	27	29	72	10	30			
8	30	6	72	12	40			
8	35	40	72	19	0			
8	37	46	72	19	10			
8	40	8	72	20	0			

APPENDIX F—Continued.

SEPTEMBER 1, 1849.—*Camp 14.*

DETERMINATION OF TIME.

Time—P. M.			Double altitudes of sun's upper limb.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
4	26	45	57	6	10
4	27	45	56	42	40
4	28	37	56	21	40
4	29	24	56	9	40
4	30	13	55	43	40
4	31	16	55	19	10
4	33	43	54	20	10

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
4	5	39.89	0	24	0.54	1	15	37

SEPTEMBER 1, 1849.—*Camp 14.*

DETERMINATION OF LATITUDE.

Time—P. M.			Double altitudes of Polaris.			Resulting latitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	50	47	71	43	50	36	7	42
8	3	8	71	46	50			
8	8	40	71	52	0			
8	11	39	71	53	30			
8	13	28	71	55	30			
8	14	48	71	55	10			

APPENDIX F—Continued.

SEPTEMBER 2, 1849.—*Camp 15, Pass Washington, Sierra de Tunéché.*

DETERMINATION OF TIME.

Time—P. M.			Double altitudes of sun's upper limb.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
4	44	53	49	23	40
4	46	21	48	48	40
4	47	51	48	12	30
4	48	56	47	46	40

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
4	22	52.25	0	24	8	7	15	44

SEPTEMBER 2, 1849.—*Camp 15.*

DETERMINATION OF LATITUDE.

Time—P. M.			Double altitudes of Polaris.			Resulting latitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	11	53	71	47	40	}	36	3
8	13	48	71	49	30			
8	18	37	71	53	40			
8	20	9	71	54	30			
8	24	20	71	58	20			
8	28	6	72	1	0			

APPENDIX F—Continued.

SEPTEMBER 3, 1849.—*Camp 16, Rio Negro.*

DETERMINATION OF TIME.

Time—P. M.			Double altitude of sun's upper limb.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
4	36	10	53	34	50
4	38	28	51	39	40
4	40	1	51	2	50
4	41	30	50	27	20
4	42	59	49	51	40

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
4	15	26	0	24	47	7	16	23

SEPTEMBER 3.—*Camp 16.*

DETERMINATION OF LATITUDE.

Time—P. M.			Double altitude of Polaris.			Resulting latitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	13	15	71	47	50	36	2	7
8	14	2	71	50	50			
8	15	26	71	50	30			
8	18	20	71	52	50			
8	20	26	71	55	40			
8	22	21	71	55	50			

Ex.—11

APPENDIX F—Continued.

SEPTEMBER 4, 1849.—*Camp 17, Sieneguilla de Juanita.*

DETERMINATION OF TIME.

Time—P. M.			Double altitudes of sun's upper limb.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
4	35	47	52	18	30
4	37	21	51	41	10
4	38	43	51	8	40
4	39	55	50	40	30
4	40	58	50	15	0
4	41	48	49	55	0

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
4	18	48.53	0	25	16.80	7	16	49

SEPTEMBER 4, 1849.—*Camp 17.*

DETERMINATION OF LATITUDE.

Time—P. M.			Double altitudes of Polaris.			Resulting latitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	4	33	72	1	30	36	10	36
8	6	12	72	2	30			
8	9	48	72	5	40			
8	12	31	72	8	10			
8	15	20	72	10	30			
	18	25	72	13	20			

APPENDIX F—Continued.

SEPTEMBER 7, 1849.—*Camp 19, one-and-a-half mile northwest of mouth of cañon of Chelly.*

DETERMINATION OF TIME.

Time—P. M.			Double altitudes of sun's upper limb.		
h.	min.	sec.	Deg.	min.	sec.
8	45	6	63	30	50
8	49	52	65	20	10
8	50	54	65	44	10
8	52	10	66	13	10
8	53	27	66	42	30
8	54	53	67	15	20

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
h.	min.	sec.	h.	min.	sec.	h.	min.	sec.
8	23	43.66	0	27	20	7	18	50

SEPTEMBER 7, 1849.—*Camp 19*

DETERMINATION OF LATITUDE.

Time—P. M.			Double altitudes of Polaris.			Resulting latitude.		
h.	min.	sec.	Deg.	min.	sec.	Deg.	min.	sec.
8	12	34	72	12	50	36	9	
8	14	18	72	14	10			
8	16	6	72	16	20			
8	18	31	72	18	0			
8	20	17	72	18	50			
8	21	55	72	20	40			

APPENDIX F—Continued.

SEPTEMBER 11, 1849.—*Camp 21, Cañoncito Bonito.*

DETERMINATION OF TIME.

Time—P. M.			Double altitudes of Alpha Coronæ Borealis.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	47	0	71	0	30
8	48	40	70	19	0
8	51	53	69	2	0
8	53	38	68	20	50
8	55	35	67	35	10
8	57	55	66	37	0

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
8	26	49.83	0	25	37	7	17	2

SEPTEMBER 13, 1849.—*Camp 22.*

DETERMINATION OF TIME.

Time—A. M.			Double altitudes of sun's upper limb.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	16	31	51	18	40
8	18	21	52	2	50
8	19	16	52	23	20
8	20	7	52	43	0
8	21	10	53	8	20
8	25	6	54	40	30

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
7	54	14.49	0	25	50.68	7	17	14

APPENDIX F—Continued.

SEPTEMBER 14, 1849.—*Camp 24.*

DETERMINATION OF TIME.

Time—P. M.			Double altitudes of sun's upper limb.		
A.	min.	sec.	Deg.	min.	sec.
3	49	4	64	57	0
3	50	7	64	32	50
3	50	55	64	14	30
3	51	46	63	54	50
3	52	45	63	32	10
3	53	30	63	15	10

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
A.	min.	sec.	A.	min.	sec.	A.	min.	sec.
3	26	12.87	0	25	8 30	7	16	27

SEPTEMBER 14, 1849.—*Camp 24.*

DETERMINATION OF LATITUDE.

Time—P. M.			Double altitudes of Polaris.			Resulting latitude.		
A.	min.	sec.	A.	min.	sec.	Deg.	min.	sec.
8	6	43	70	37	40	85	11	56
8	8	23	70	38	30			
8	9	43	70	40	20			
8	11	5	70	41	50			
8	13	10	70	43	50			
8	14	51	70	44	20			

APPENDIX F—Continued.

SEPTEMBER 16, 1849.—*Camp 26, Ojo Pascado.*

DETERMINATION OF LONGITUDE.

Time—P. M.			Double altitudes of sun's upper limb.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
3	44	10	65	0	0
3	45	13	64	36	10
3	46	11	64	14	10
3	46	57	63	56	30
3	47	43	63	39	20
3	48	33	63	20	30

RESULT OF CALCULATION.

Mean time.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
3	23	0.54	0	23	27.29	7	14	46

SEPTEMBER 16, 1849.—*Camp 26.*

DETERMINATION OF LATITUDE.

Time—P. M.			Double altitudes of Polaris.			Resulting latitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>
8	34	34	70	52	40	}	35	5
8	36	33	70	55	10			
8	38	10	70	55	30			
8	39	43	70	55	40			
8	40	46	70	56	40			
8	43	13	70	59	50			

APPENDIX F—Continued.

SEPTEMBER 18, 1849.—*Camp 28, Ojo del Gallo.*

DETERMINATION OF LATITUDE.

Time—P. M.			Double altitudes of Polaris.			Resulting latitude.		
A.	min.	sec.	Deg.	min.	sec.	Deg.	min.	sec.
7	34	10	70	15	20	35	5	17
7	38	32	70	17	50			
7	39	43	70	19	20			
7	41	35	70	21	50			
7	42	55	70	21	40			
7	44	23	70	22	40			

SEPTEMBER 19, 1849.—*Camp 29, 2 miles northwest of Pueblo of Laguna.*

DETERMINATION OF LATITUDE.

Time—P. M.			Double altitudes of Polaris.			Resulting latitude.		
A.	min.	sec.	Deg.	min.	sec.	Deg.	min.	sec.
9	36	43	71	40	30	35	0	49
9	48	8	71	59	10			
9	49	13	71	49	20			
9	52	46	71	50	50			
9	54	21	71	55	20			
9	56	6	71	55	40			

APPENDIX F—Continued.

SEPTEMBER 27, 1849.—*Santa Fe.*

DETERMINATION OF TIME.

Time—A. M.			Equal altitudes of sun's upper limb.			Time—P. M.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>Deg.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
8	59	28	66	36	40	3	7	58
9	0	34	66	59	30	3	6	51
9	1	30	67	18	29	3	5	58
9	2	25	67	37	40	3	5	3
9	3	48	68	6	10	3	3	40

RESULT OF CALCULATION.

Mean time of apparent moon.			Chronometer fast.			Longitude.		
<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>	<i>h.</i>	<i>min.</i>	<i>sec.</i>
11	50	52.12	0	13	3.8	7	4	10

REPORT OF CAPTAIN R. B. MARCY.

FORT SMITH, ARKANSAS, *November 20, 1849.*

SIR: On the second day of April, 1849, I had the honor to receive the following orders from the headquarters of the 7th military department:

HEADQUARTERS SEVENTH MILITARY DEPARTMENT,
[ORDERS No. 5.] *Fort Smith, April 2, 1849.*

1. In compliance with "special orders" No. 6, dated Adjutant General's office, January 23, 1849, an escort consisting of one subaltern and thirty men of the 1st regiment of dragoons, and one captain, two subalterns, and fifty men of the 5th regiment of infantry, will leave Fort Smith, Arkansas, on the 5th instant, for Santa Fe, New Mexico, for the purpose of affording protection to our citizens emigrating to our newly acquired territories.

2. The quartermaster's department will, upon the requisition of the commanding officer, furnish ample transportation, funds, and such other facilities as may be necessary for the expedition. The commissary department will furnish the necessary funds and subsistence for five months.

3. The commanding officer of the escort will employ a citizen physician to accompany the troops to Santa Fe and back to Fort Smith; and the medical officer at this post will provide a good supply of medicines, hospital stores, &c., for the command.

Captain R. B. Marcy, the commanding officer, will receive a letter of instructions for his guidance on the march, before his departure from this post.

By command of Brigadier General Arbuckle.

F. F. FLINT,
Acting Assistant Adjutant General.

Captain R. B. MARCY,
Fifth Regiment Infantry, commanding escort.

On the 4th day of April, 1849, the following letter of instructions was received by me:

HEADQUARTERS SEVENTH MILITARY DEPARTMENT,
Fort Smith, April 4, 1849.

CAPTAIN: The commanding general directs that you proceed with your command from this place, in accordance with department orders No. 5, along the valley of the main Canadian, wholly on the south side of the river, by the most direct practicable route, to your destination, Santa Fe, New Mexico. It is expected you will move forward as rapidly as possible, making such improvements, &c., in the road, as you may deem necessary, until you arrive near to Edwards', where you will secure an ample supply of corn and beeves, and, after remaining there a day or two, you will proceed slowly to the vicinity of Chouteau's, where (if not already overtaken by the Fort Smith company and others who intend starting about the 10th instant) you will await their arrival.

The principal objects of this expedition are: to ascertain and establish the best route from this point to New Mexico and California; to extend to such of our citizens as design leaving here in a few days and traversing your route such facilities as circumstances may require, and it is in your power to give, to insure them a safe and unmolested passage across the

prairies; and to conciliate as far as possible the different tribes of Indians who inhabit the region of country through which you will pass.

With this view, therefore, you will cause an accurate examination of the country, survey, and measurement of the road travelled to be made, keeping a correct journal of each day's march; noting the distances between good camping places; whether wood and water are to be met with in abundance; and, in short, embracing all subjects worthy of observation, or that may be of interest or service to the future traveller. On reaching the "Grand Prairie," you will most undoubtedly meet with the Comanches; should you do so, you will hold a "talk" with them, and present the principal chiefs with a few pipes and some tobacco, informing them that the present is intended to remind them of the treaty they made with the whites, through General Arbuckle and others, some years ago, at "Camp Holmes," or "Chouteau's Trading-house," near the Canadian, in which they stipulated that our citizens should be permitted to pass through their country in safety and without molestation; and that, as a great number of our people will probably travel over the road which is being established to New Mexico by the President of the United States, it is hoped they will remember their promises, &c. You will also endeavor to create and maintain a good understanding with such other tribes as you may chance to meet with, by presents of pipes and tobacco, kind and friendly intercourse, and by preventing the occurrence of any such acts on the part of your men or others as may tend to diminish their confidence in our citizens, alienate their friendly feelings, or excite in them a spirit of hostility and revenge.

If you should find among the Comanches an intelligent Indian who is acquainted with the country between the "Plains" and the Del Norte, and who knows that there is a good pass through the mountains practicable for wagons, from some point on the Del Norte about one hundred and eighty or two hundred miles below Santa Fe, you are authorized to employ him to accompany you as a guide. And in case you should be fully convinced of the correctness of his statements from information received on your arrival at Santa Fe, and that you can march from that point on the Del Norte to the "Plains," or to your outward trail intersecting it, perhaps somewhere near the mouth of Dry river, in *perfect safety*, and without subjecting your command to the necessity of encountering severe trials or hardships, you will return by that route; but if otherwise, you will furnish the commanding officer at Santa Fe with a copy of your field notes west of Dry river, and, after having sufficiently recruited your animals and refreshed your men, you will return with your command to Fort Smith with as little delay as convenience permits.

You are, doubtless, well aware of the importance and necessity of the strictest vigilance and care, at all times and under all circumstances, upon an expedition of this nature; and much must, from the necessity of the case, be left to the discretion of the commanding officer, who, as circumstances arise, should shape his course and make his arrangements accordingly, having a view to the main objects to be attained.

It is understood that an engineer officer will arrive in the course of a few days to accompany your command. If he should join you on the march, you will, of course, afford him every facility necessary to enable

him to properly discharge his duties. You will please avail yourself of favorable opportunities to report your progress, &c.

I am, sir, very respectfully, your obedient servant,

F. F. FLINT,

Assistant Acting Adjutant General.

Captain R. B. MARCY,

*Fifth Regiment Infantry, commanding Santa Fe Expedition,
Fort Smith, Arkansas.*

In obedience to the foregoing orders, I employed Dr. Julian Rogers, of Wilmington, Delaware, to act as physician to the escort, and made requisitions upon the quartermaster's and subsistence departments for such supplies as I thought would be necessary for an expedition of this kind, all of which were furnished promptly. I would remark, however, that many of the mules furnished were those which had been driven from Mexico at the close of the war, and, being poor, were not such as I should have selected. In consequence of this, we were longer upon the road than we otherwise should have been, as we were obliged to make short marches and stop frequently to recruit them.

The detachment, as organized at Fort Smith, consisted of Lieutenant J. Buford, and twenty-six non-commissioned officers and privates of F company 1st dragoons, and Lieutenants M. P. Harrison and J. Updegraff, with fifty non-commissioned officers and privates of the 5th infantry.

Twenty men of this detachment, under the command of Lieutenant J. Updegraff, as you are aware, had been previously sent forward upon the route to assist Captain Dent, 5th infantry, in making an examination of the country upon the south side of the Canadian river as far as near Edwards' Trading-house, and to open a road for wagons through the heavily-timbered country between Fort Smith and that point.

The road having been surveyed and measured by Captain Dent as far as the point where I overtook him, and he having made a report of the same, I shall pass briefly over this portion of our route, remarking that my report of this part of the road, so far as relates to courses and distances, is based entirely upon the notes furnished by that officer, and that I have connected his survey with my own upon the accompanying map in such a manner as to give all the information which is necessary for travellers over the road.

The character of the country upon our route for the first hundred and fifty miles from Fort Smith is of such a nature that it becomes extremely soft and boggy in a wet season, and is then almost impassable for loaded wagons, except in the beaten roads. It is generally a soft alluvial soil upon a substratum of quicksand, covered with a heavy growth of timber, mostly post oak; and before the road is packed, it will often be heavy.

Previous to and after my departure from Fort Smith, there had been very frequent rains throughout the whole country over which we passed, and the earth had become perfectly saturated with water; indeed, it was often remarked that there had not been so wet a season for many years. For this reason, our progress in making a new road upon the first part of our route and passing over it with loaded wagons was necessarily very slow, and caused some of the emigrants to think that a better route could have been selected.

This part of the road, however, is much more directly on our course

than the old road to Little river, and will, in addition to being some thirty miles shorter, be as good, when it has been travelled sufficiently to beat down the earth and pack it. Another advantage which this road possesses over the old road is in the fact, that upon the latter there are large streams to cross, which often detain the traveller for several days; whereas, upon the new road there are no large streams, as it continues altogether upon the south side of the Canadian.

Upon the map which accompanies this report I have noted our camps, and in a table laid down the distances between each, and have also noted the best places for encamping: these I have intended as daily stages for travellers with loaded wagons, and they can easily be made with mule or ox teams. Where there is no wood (and there are but few such places) will be seen by a reference to the table: at such places, a supply for cooking should be carried forward from the previous camp. Generally there is an abundance of wood, water, and grass at all the camping places upon the road.

For the first hundred and fifty miles from Fort Smith the road passes over a gently undulating country, mostly timbered, but interspersed with small prairies affording excellent grass, and the numerous small creeks and rivulets give the traveller an opportunity of encamping at almost any place he may desire.

Beyond this we struck the plains, where wood and water are not so abundant, yet there is no place upon the whole road where a very long drive has to be made to get water.

After reaching the prairie, west of the upper Cross Timbers, the ground is then as smooth and firm as the macadamized road almost the entire distance to Santa Fe.

From Fort Smith to Santa Fe, the road was measured with a chain and viameter; the measurement by the chain was a little less than that of the viameter, as the latter, being attached to a wheel, measured all the slight inequalities of ground over which the wheel passed, whereas the chain, being held horizontal, was more accurate; I have therefore given the distances as determined therewith.

In returning from the "Rio del Norte," by the southern route, I only used the viameter, and made a deduction of the same *per centage* in the distance determined as was found between the two measurements in going out.

The bearing, or course of our road, was taken with a compass every mile, and a mean of the observations taken during each day has been assumed as the course for that day's march.

The variation of the needle was determined by Lieutenant Simpson, (the topographical officer who accompanied the escort,) at four different points on our outward route; and by myself at four points, about equal distances from each other, between the Rio del Norte and Fort Smith, in returning. Between these points a mean of the observation, on each side, has been taken as the correct magnetic variation for that portion of the road.

With these data, and personal observations, together with information obtained from guides and others who could be relied upon, I have plotted my map. As I have thought that a better idea of the country over which we passed could be had by making this report in the form of a journal, I have accordingly adopted that plan, and shall commence it at the point

where I overtook Captain Dent, after making a few remarks upon the country we passed over before reaching him.

Our "train," consisting of eighteen wagons, one six-pounder iron gun and a travelling forge, each drawn by six mules, crossed the Poteau river at Fort Smith, on the evening of the 4th of April, 1849. On the morning of the 5th we commenced our march, keeping the old road through the Poteau bottom, to the Choctaw agency. Two miles from here there are three roads; the left is the old road to Fort Washita, the right leads to Edwards' trading house, and the middle one is our road: keeping this, our course is 20° south of west, passing over a smooth and gently rolling country of timber and small prairies until we reach the "Sansbois," (sixty-seven miles from Fort Smith.)

This stream is an affluent of the Canadian, and can be forded at almost any stage of water. It is sixty feet wide, two and a half feet deep at a medium stage, and not rapid.

From the Sans Bois to Cooper's creek the course is $20^{\circ} 30'$ south of west.

Our road lay between two ranges of low mountains, in a beautiful prairie valley, and ascended very gradually until we reached the summit of the ridge dividing the waters of the Sansbois from those of the south fork of the Canadian or Gaines's creek.

From Cooper's creek to where the road touches a bend of the Sans Bois, sixty-one miles from Fort Smith, our course was west; from that point to the summit of the dividing ridge, 30° south of west, and from thence to the south fork of the Canadian, 20° south of west.

The south fork of the Canadian is $76\frac{1}{2}$ miles from Fort Smith; is one hundred feet wide, and twelve feet in depth at the ferry. There is a ford about three hundred yards above the ferry, where the stream can be crossed when the water is not high.

From here our course was 18° south of west, over a rolling prairie, for ten miles, until we struck the bottom of Coal creek, 88 miles from Fort Smith.

The creek is thirty yards wide, has a gravelly bed, with two feet of water in the channel. Although it is sometimes above fording for a few days at a time, yet it can generally be crossed without difficulty. We worked upon the banks and made a good passage for wagons.

Bituminous coal is found upon this creek, and used by the blacksmiths of the country, who pronounce it of an excellent quality.

From here to the Shawnee trail, our road runs 15° south of west; from thence to the second ford of Coal creek, $30^{\circ} 30'$ south of west; thence to Little Cedar mountain, 100 miles from Fort Smith, the course is 22° south of west; here the road runs 18° north of west to Stony Point, 5° north of west to the Shawnee village, and 26° south of west to Shawneetown, 125 miles from Fort Smith.

At this place the road forks; the right going to Edwards' trading house, (eight miles off,) and the left is our trail. Should travellers desire to purchase supplies, this is the last point where they can be obtained, as the road here leaves the settlements. Horses, cattle, corn, and many articles of merchandise, can be had at Edwards' settlement, on the north side of the Canadian.

While here I engaged a Delaware Indian, named "Black Beaver," to accompany us as guide and interpreter; and he proved to be a most use-

ful man. He has travelled a great deal among many of the western and northern tribes of Indians, is well acquainted with their character and habits, and converses fluently with the Comanches and most of the other prairie tribes.

He has spent five years in Oregon and California—two years among the Crow and Black Feet Indians; has trapped beaver in the Gila, the Columbia, the Rio Grande, and the Pecos; has crossed the Rocky mountains at many different points, and indeed is one of those men that are seldom met with except in the mountains.

While encamped opposite the mouth of Little river, we were visited by some of the Shawnees who live in the vicinity, and I discovered, much to my surprise, that their language was very similar to that of the Chipewas; indeed, many of their words were the same: for instance, they both call fire "*scota*," water "*nepish*," tobacco "*sama*," bear "*mucqua*," and many others are the same. They live principally by agriculture, and have some good farms; they raise corn, wheat, cattle, hogs, and horses, and appear to have an abundance of everything.

On the 1st of May we left our camp, opposite Edwards', taking a course almost south, gradually turning to the west to pass around mountains which border the Canadian, until we reached the Delaware mountain, 146 miles from Fort Smith.

The country is here very beautiful, being a rolling prairie, with numerous small islands or groves of timber, and many streams of pure spring water, skirted with trees of different kinds.

The soil is of a good quality, resting upon a basis of limestone, and in every respect well adapted to cultivation.

From the Delaware mountain, our road passed by a gradual and easy ascent up the ridge dividing the "Boggy" (a tributary of Red river) from the waters of the Canadian. Directly where we passed, there is a high, round mound, and upon the top a pile of rocks, which can be seen for a long distance around, and is a good landmark for the traveller. One mile from this mound we reached a beautifully clear, rapid stream, abounding with fish, and here we found Captain Dent encamped. After he had furnished me with a copy of his field-notes, he turned back for Fort Smith, and I proceeded on, taking Lieutenant Updegraff and the detachment under his command. Seven miles from where we overtook Captain Dent, we crossed another and much larger stream, thirty yards wide and one foot deep, with a very rapid current: this is called by the Indians "To-paf-kees" creek. There is walnut, oak, ash, and other kinds of hard timber, growing upon the creek, but no grass; about a mile from here, however, at the border of the prairie, we found good grass, and encamped on the night of the 3d of May.

May 4.—We did not move to-day, as it has rained most violently all day: the earth has become very soft, and the creeks are full.

May 5.—We made an early start this morning and travelled over a beautiful prairie, crossing two small streams (affluents of the Washita) which are called, after they unite, "Mustang creek," from the fact that wild horses are often found upon it.

As Beaver assured me that we should find no more hickory timber after passing this stream, I procured an extra supply of poles, axles, and hounds for our wagons, to serve us across the "plains," and would ad-

we all persons passing over the road to do the same, as, after passing here, there is no suitable timber for such purposes.

I saw to-day, for the first time, the "mezquite" grass, and it is probably this which attracts the wild horses, as they are very fond of and soon fatten upon it.

The hills we passed to-day are of a red sandstone formation, highly ferruginous, and in a state of decomposition. Limestone is also found in places. The country, as we advance, is becoming more destitute of timber.

May 6.—It rained during the whole of last night, and has made our road so heavy that I have concluded to "lie by" until to-morrow. This evening we have another thunder storm, accompanied by the most intensely vivid lightning I have ever seen. The whole artillery of heaven appears to be playing; and, as the sound reverberates in the distance over the vast expanse of prairie, the effect is indeed most awfully sublime. Upon such an occasion one realizes truly the wonderful power and majesty of the Deity; and the total insignificance of man. While I am writing the rain pours down in torrents, and the wind comes whistling over the distant plain with terrific violence. The flies of our tents, soaked with the driving storm, and drawn to their utmost tension by the shrinking of the cords, strike the tents with such force as to produce reports like pistols. The whole surface of the earth is deluged with water.

May 7.—We were so fortunate as to keep our tents in an upright position last night, and the storm ceased after about two hours' duration. Making a start this morning, by hard work on our men and animals we made five miles. The country has been rolling prairie, with several small patches of oak and elm timber. The soil continues highly charged with iron and of a deep red color; it is, however, becoming thin and poor as we advance. At our camp of this evening we can see the valleys of both the Washita and the Canadian, and we are now upon the ridge dividing the waters of these two rivers. As we are now coming into the vicinity of the Comanche "range," I have given orders for cartridges to be issued to the command, and shall take up our line of march from this time in the following order: the dragoons in advance about one mile from the train, the main body of the escort directly in front of the train, the cannon in the centre, and the guard in the rear.

May 8.—We marched eleven miles to-day, and struck the dividing ridge after crossing a stream some five miles from our camp of last night. We found many small branches rising near the summit of the ridge, running off into the Washita and Canadian; they are skirted with trees sufficient for fuel, and in many of them there is water near the road; they thus afford good camping places. Our road approached near and in view of the Canadian; a short distance of our camp of to-night we could discover much more timber upon the opposite bank. The grass continues good, but the soil is of a poor quality.

May 9.—We resumed our march this morning, keeping the high prairie divide for seventeen miles, where the ridges turns to the left, nearly opposite "Old Fort Holmes." As the Fort Smith company have not yet reached us, we shall await their arrival here, as ordered. The cause of their delay has been, that they crossed the Canadian at Edwards', and have found the road much worse than on this side. The country we have passed over to-day has been entirely prairie, with the exception of a

few scattering trees upon the borders of the branches heading near the crest of the "Divide." As we are now near the eastern borders of the "Lower Cross Timbers," I shall start out in the morning and endeavor to find a good road to pass our wagons through.

May 10.—Taking Beaver with me, I started out this morning to examine the country ahead. We found that the Divide turned south into the Cross Timbers, was very circuitous in its course, and extended some fifteen miles before it came out upon the prairie west of the "Timbers." It would have required several days' labor to open a road upon the "Divide," and I determined to make a further examination. On our return to camp, we followed down a creek called "Chouteau's creek," which heads near where we turned, and runs almost a due east course between the "Cross Timbers" and the Canadian; we found a smooth prairie along the bank of the creek, and encamped at sundown. As we had taken nothing from camp with us except some hard bread and tea, I began to be fearful towards night that our supper would be but a sorry one, and intimated as much to the Indian, telling him "that a good hunter should certainly kill game enough for two men's supper;" soon after this he discovered a turkey upon the prairie, and, putting spurs to his horse, started after him at full speed. I thought this a novel method of hunting wild turkeys, and looked on the chase with a good deal of interest, particularly as I knew that the quality of our supper depended upon the result. The turkey was about half a mile ahead at the start, and made good running for a short time, but soon found it necessary to resort to flight. The hunter followed on till the turkey alighted and ran into a timbered ravine; he still followed out of sight with his horse, but soon appeared again with a stick driving the exhausted bird before him. I expressed much surprise at the facility with which he run down and caught the turkey; but he informed me that they seldom ever fly more than twice before they become exhausted, and are then easily taken.

May 11.—This morning we continued down the creek upon a narrow strip of prairie lying between the "Cross Timbers" and the creek, which led us back to camp in a direct course.

May 12.—As the Fort Smith company have not arrived, we are burning a small coal-pit, sufficient to serve us across the "plains." This evening I received a note from Captain Dillard, of the Fort Smith company, informing me that he will join us in three days. He has had great difficulty in passing over the road upon the north side of the Canadian, and the company express much regret that they were not governed by his wishes to follow upon our trail; they promise to do so in future.

May 13.—We remained in camp to-day, waiting Captain Dillard's arrival, but shall move forward to-morrow about five miles, for the purpose of bridging two small streams which intersect our route and run into Chouteau's creek.

May 14.—Starting this morning, we marched to the first creek, bridged it, and encamped upon the second; they are spring brooks rising in the "Timbers," and have good water in them at all seasons of the year. Upon the banks of Chouteau's creek there is cottonwood, elm, hackberry, and a species of oak bearing an acorn about the size of a black walnut, with a very thick bur, and a fringe at the top of it encircling the nut; this is called by the Indians "overcup." This evening there suddenly arose one of the most terrific storms I ever witnessed—it was a perfect

ornado; the first blast laid nearly every tent in the camp flat upon the ground, and sent beds, trunks, and tables whirling and tumbling in every direction. Our camp presented for a few minutes a most perfect scene of confusion. As I looked out from under my tent, (which had fallen upon me, and held me fast,) I saw, by the incessant flashes of lightning, officers and men running in all directions through the rain—some trying to find shelter, and others following up a hat, blanket, or tent which the gale had seized upon and was carrying off upon the prairie. Nothing could resist the violence of the storm; it continued about an hour, when the wind abated, and we went to work to put up our tents again. Everything is soaked, and we shall remain to-morrow to dry, when we hope to be joined by the Fort Smith company.

May 15.—This has been a day of general drying throughout camp, and we are now ready to move forward again, as soon as we learn that Captain Dillard is near us. Dr. Rogers was so unfortunate as to have all his botanical specimens ruined by the storm last night; this is to be much regretted, as he had a great variety of plants and flowers which he will not meet with again, being near the Grand Prairie where the character of vegetation is entirely different from what we have passed.

May 16.—Learning that the Fort Smith company are near us, upon the other side of the creek, I started this morning and moved a few miles up the valley.

The grass in the creek bottom is fine and the soil good.

May 17.—This morning we continued up the creek for about a mile, then turned to the left, and struck the Divide in the "Cross Timbers;" after marching six miles, we reached the large prairie between the two "Cross Timbers" and encamped upon the head of Chouteau's creek, where we found good grass, fine clear spring water, and oak wood.

Through the "Cross Timbers" the wood is black-jack, post oak, overcup, and hackberry. The soil is gravelly sand, and the rocks a dark, hard sandstone. I found iron ore upon Chouteau's creek, and the soil continues to be ferruginous. We have seen some deer to-day; but game is not abundant.

May 18.—Continuing upon the high and dry dividing ridge, we made eleven miles; the soil is of a good quality, but there is no timber and but little water; we, however, found wood, water, and grass sufficient for camping purposes. We have seen occasionally detached pieces of gypsum to-day, and some limestone, but the rocks have generally been a soft, coarse sandstone. Our road approached within two miles of the Canadian at one point of our march to-day, and directly at this place we were opposite the mouth of "Spring creek," a very beautiful stream of pure spring water; has good grass upon it, and wood sufficient for camping purposes. The Fort Smith company joined us yesterday, and we shall now move on more rapidly.

May 20.—This being Sunday, and a very rainy day, we remained in camp; the rain commenced with one of those thunder showers which are frequent upon the prairies, and, as usual, it was accompanied by a perfect tempest of wind. We are now near the "Upper Cross Timbers," and I find upon examination that we cannot follow the "Divide" through, as it becomes very rough and broken immediately upon entering the timber. I shall, therefore, leave the "Divide," cross Spring creek, and take the high prairie

between that stream and the Canadian. In this way I shall be enabled to pass on the prairie entirely around the Upper Cross Timbers.

I met with the wild squash to-day; it has much the appearance of the cultivated varieties, except that the leaves are of a light blue color; they are now in blossom.

May 21.—Our road to-day continued on the "Divide" for three miles, when, coming near the Timbers, we turned to the right and took the prairie valley up "Spring creek," skirting the lower edge of the "Cross Timbers;" here we found a fine road, and moved along with great ease to our animals. We encamped upon one of the numerous spring branches which flow into Spring creek, and found an abundance of good wood, water, and grass.

May 22.—This morning we continued up the south side of the creek for three miles further, where we turned to the right and crossed to the dividing ridge lying between the creek and the Canadian; at the point where the road strikes the crest of the ridge we found ourselves only one mile from the river, and continued that distance from it until we reached the head of Spring creek, where we encamped, making our day's march sixteen miles. The valley of Spring creek is beautifully situated for farms; slopes gently to the south, and is a mile in width, abundantly watered, arable soil, and timbered with black walnut, elm, hackberry, and cottonwood. It is in the immediate vicinity of the Upper Cross Timbers, where post-oak timber is abundant, affording a good material for building and fencing purposes. It is also directly opposite the head of the Little Washita river, where there is said to be hickory and sugar-maple timber, within a distance of ten miles from this place.

These advantages, in connexion with the fact that there are no other streams for three hundred miles west of here upon our route, which have good soil, or any other building timber except cottonwood, (and that in very small quantities,) render this stream a suitable point for the establishment of a military station, should the government determine to place troops upon this road. It is also a place where the Comanches and Kioways frequently resort for the purpose of killing buffaloes. Moreover, no settlements can be made upon our road west of this point, as there is no place where the soil and timber will admit of it.

May 23.—We turned slightly to the left this morning, and, after traveling two miles, struck the main "Divide" of Washita and Canadian. Continuing on this "Divide" for thirteen miles, we passed several high round mounds of a very soft red sandstone, rising up almost perpendicularly out of the open table land, and can be seen for a long distance before reaching them. At the base of the southern mound, following an old Indian trail, it led us down into a deep ravine, where there is a fine spring of cool water, with wood and grass.

Our road from here took a direct course for a point of timber which can be seen from the top of the largest mound, but deviates somewhat from the general bearing. As we found little water to-day, we made this digression for the purpose of seeking a camping-place, and were much delighted, on arriving at the timber, to find a splendid spring of water, rising in a basin of white limestone, as perfectly hollowed out as it could have been done by art, and filled with fine cool water. About five hundred yards below this the stream formed by the water of the spring becomes enlarged, and contains an abundance of sunfish.

The soil upon our route to-day has been gravelly sand, and no timber except upon the borders of ravines. There is wood sufficient for encamping upon this stream, and fine grass.

May 24.—Our road continued on the Divide during the whole day, and was very fine and good. We are now passing through a country when gypsum is found in great quantities: in many places the surface of the earth is covered with a white incrustation of decomposed gypsum, and frequently large blocks were seen, in which there were all varieties, from beautiful transparent selenite to common "plaster of Paris," gradually merging from opaque to pure transparent. The fibrous varieties were also found frequently. The soil upon our road has been very poor, and but little water; at our encampment to-night we have water that is bitter and unpalatable, but will answer for cooking when none other can be obtained.

May 25.—Our road has kept the Divide all day and, as usual, was firm and smooth; passes over a gypsum formation, and many off the hills have been entirely composed of it. At our camp we have good wood and grass, but the water is as usual where gypsum abounds—far from being sweet.

We have seen many antelopes and turkeys during the last few days, but deer are becoming scarce as we advance. Buffalo tracks have been seen frequently, but as yet none of the animals themselves.

May 26.—We continued to follow the dividing ridge to-day for thirteen miles, when we came to a large lateral ridge, running off from the main Divide, which we followed, and did not discover our mistake until we had gone about three miles, where we encamped on a branch of the Canadian.

We found the wood and grass good, but the water continues slightly saline. There is elm, cottonwood, hackberry, and wild china upon the creek where we are encamped. As I was riding in advance of the train to-day I saw the first buffalo; there were two bulls, quietly feeding, about three miles from me. I gave them a chase of about ten miles, fired some five or six balls into one of them, but did not succeed in getting him to the ground. I had a most exciting chase, but it was very severe upon my horse, and I have no doubt it injured him more than three weeks' travelling. Poor fellow! he performed his part most nobly, for which I rewarded him with a good feed of corn on my return to camp; and, as he had been living on grass alone for several weeks, I have no doubt he felt well rewarded for his labor—at all events, his countenance assumed a most grateful expression when it was placed before him.

May 27.—To-day, (Sunday,) in accordance with a rule I have adopted, we "lay by," to give the men time to wash, and the animals to graze and recruit.

May 28.—We retraced our steps back to the dividing ridge this morning, and placed a stake, with directions to those following us "to keep the left hand trace." Our road passed from here to our camp upon high rolling prairie; with no water or wood, and we were obliged to turn from the dividing ridge down to the bank of the Canadian. We passed down over a gap in the bluffs; found good wood, water, and grass.

May 29.—The country we have passed over to-day, near the Divide, has been principally a formation of gypsum and blue limestone ledges, in which we discovered petrifications of oysters and muscles. These are the first fossils we have seen upon our road.

We encamped on a branch of the Little Washita; found wood and

grass abundant. The country between our road and the two rivers is much broken by hills and ravines, which appear to have been thrown up without the slightest reference to finish or utility; and I am convinced that the only place along near our route where a natural wagon road can be found is directly upon the crest of the Divide. From a high ridge near our camp we can see the Antelope, or Boundary mounds, far to the west.

May 30.—Our road was upon the dividing ridge all day, and very firm and smooth, but somewhat circuitous, following the windings of the "Divide;" this has generally been very direct, and, for the two hundred miles we have travelled upon it, I have never seen a better natural road. The country upon each side falling off towards the Canadian and Washita, leaves the crest perfectly dry at all seasons. There are numerous small branches rising near the road which are skirted with timber and grass, thereby giving the traveller an opportunity to encamp at almost any time he feels disposed. The soil is unfit for cultivation, being a hard gravelly sand, and very poor. We left the Divide near our camp, and are upon a branch of the Canadian; the water, wood, and grass are good.

May 31.—This morning we followed down the creek, and travelled for several miles upon the Canadian; finding this part of our road sandy, however, we soon turned back, and came upon the high prairie between two of the Antelope buttes. These hills are about one hundred and fifty feet high, of porous sandstone, and appear to be the result of volcanic action. They rise almost perpendicularly from the smooth prairie, are flat upon the top, and present every indication of having been raised out of the earth by volcanic agency. They are near the 100th degree of longitude, and are sometimes called the Boundary mounds, as being near the line formerly claimed by Texas as her eastern boundary. We encamped this evening without wood at some holes of water in the prairie; we could have found wood by going six miles further, but our mules were wearied, and I concluded to use the "buffalo chips" rather than drive that distance.

June 1.—Taking the "Divide" again this morning, we marched fourteen miles over a very direct and firm road, without a hill or ravine, until we reached our camp, upon a small lake on the high prairie. There is an abundance of never-failing water in the lake, and the buffalo grass grows luxuriantly upon its banks. This grass is very short and thick; but animals are extravagantly fond of it, and it is very nutritious. There are hills about a mile to the east of the lake similar to the "Antelope buttes;" these can be seen for a long distance upon our road, and are good landmarks. As it is half a mile from the lake to the nearest wood, I would recommend to travellers to throw a few sticks for cooking into their wagons before reaching here. We received a visit this evening from four Kioway Indians, dressed in their war costume, and armed with rifles, bows, lances, and shields. They were on their way (as they told us) to Chihuahua, Mexico, where they were going to steal mules and horses, and expected to be absent from here a year or more. I brought them into camp, presented them with some tobacco and pipes, gave them supper, and told them that we were disposed to be friendly and at peace with the Kioways; that it was the desire of their "great father," the President of the United States, to be on terms of peace with all his "red children." This appeared to please them, and they replied that they

would communicate my "talk" to their people, who live forty miles north of here upon the north fork of the Canadian. I was much surprised at the ease and facility with which "Beaver" communicated with them by pantomime. This appears to be a universal language among Indians, and the same signs and gestures are made use of and understood by all tribes. The grace and rapidity with which this mute conversation was carried on upon a variety of topics relative to our road and their own affairs astonished me beyond measure. I had no idea before that the Indians were such adepts at pantomime; and I have no hesitation in saying that they would compare with the most accomplished performers of our operas.

June 2.—We travelled sixteen miles to-day over a very good road, with but little water near it, however, until we reached our present camp; here we have wood and water in a ravine. The country, as we advance, becomes gradually higher, and the soil continues poor, with but little timber. We are yet upon the "Divide" of the Washita and Canadian—about five miles from the latter, and three miles from a large branch of the former. The wife of one of the emigrants encamped near us has been sick for several days, and reported to-night as very low. The fatigue and inconveniences to which she is necessarily exposed in a journey over the prairies, has, no doubt, had a tendency to aggravate her disease. Being a lady of delicate constitution, and having never before been subjected to the privations and hardships of a camp life, she is but poorly fitted to endure in sickness a march of this kind.

June 3.—This being Sunday, we stopped to recruit our men and animals.

June 4.—We made a march of ten miles to-day, and reached Dry river, crossed and encamped on the west bank. We found bluffs about two hundred feet high on the east side, very abrupt, and crowned with ledges of sandstone; but after a short examination, discovered a pass which led us by a very gradual descent to the river bottom. The distance between the top of the bluffs, from one side of the stream to those of the other, is five miles, and the valley where we crossed about two miles in width. There is wood, water, and grass in abundance here, and it is a fine camping place. The bed of the stream is one hundred and fifty feet from bank to bank; but when we arrived in the evening there was no water, except in holes. The next morning, however, there was water running over the quicksand, forming a stream some ten feet wide. I could account for this in no other way than from the fact that the quicksand absorbs a large portion of the water flowing through the stream, and in the daytime the sun evaporates the remainder; but in the night, there being but little evaporation, the water not absorbed passes off over the bed of the river.

On approaching Dry river from the east, our road passed up the ridge dividing the head branches of the Washita from "Dry river;" here the Divide, which our road has followed about two hundred and fifty miles, turns away to the south, and from this place we see it no more. I am informed by Beaver, who is well acquainted with this part of the country, that this stream has its source in an extensive salt plain southwest of here, and that "Red river," which has never been explored to its head, rises in the same plain, and near the same place. It has generally been supposed that Red river extended far west of here, near the Peccs, and

passed through a portion of the "Llano Estacado," but Beaver says it rises east of that plain. The Canadian, for the last two days' travel, has been shut in by high bluffs on each side, and the country between the bluffs and our road much broken by sharp round hills and deep gulleys.

The soil in this vicinity is totally worthless and unproductive; no timber fit for building, and but little water. We have seen many fresh Indian "signs" to-day, but no Indians. I have cautioned the emigrants to be vigilant in guarding their animals, as many of them continue to be very careless.

June 5.—We ascended this morning, through a smooth pass, to the top of the western bluff of Dry river, where we found ourselves upon a very elevated plain which divides the waters of Dry river from the Canadian. Passing along this on our course we made seventeen miles and encamped upon a small tributary of the Canadian, where we found good water, but standing in holes along the bed of the creek. We passed several of these streams to-day, and they were all similar to this. The soil is still poor, and wood scarce. The formation of the bluffs near our camp is sandstone of a very soft and porous character.

June 6.—We made a drive of twenty-two and a half miles to-day, but did not follow the "Divide" far, as it turned too much south. We crossed several dry ravines, where there will generally be water found, as it is but a few days since they became dry. We, however, found no water until we arrived at our present camp. This is upon a very beautiful, clear stream of spring water. The valley through which the stream runs is about five miles wide, and has a great deal of large cottonwood timber upon it. The grass is of the best quality, (mezquite,) and there is a little arable soil upon the banks of the creek. This is the largest affluent of the Canadian we have passed since leaving Spring creek. Notwithstanding it runs over a very wide bed of quicksand, yet there will always be running water found here, as the stream is fed by numerous large springs. It is one of the best camping places upon the road, and as some of our wagon tires are loose and require resetting, I shall "lie over" to-morrow for that purpose. From the fact of this stream having so much more timber upon its banks than the others we have passed, I have called it Timbered creek upon my map.

June 7.—We remained upon "Timbered creek" and repaired our wagons to-day.

June 8.—At seven miles from our last camp we crossed another stream of pure spring water, where there is wood and grass in abundance; and at our present camp we have another small spring creek, which will always afford sufficient water for the traveller's purposes. We left the Fort Smith company this morning at "Timbered creek." They were detained in consequence of the illness of the wife of an emigrant; and we have learned this evening that the result of the detention has been an addition to the company of two promising boys, (twins,) which the happy father has done Captain Dillard and myself the honor of calling "Dillard" and "Marcy." For my part I feel highly complimented; and if I never see the gold regions myself, I shall have the satisfaction of knowing that my name is represented there. I wish the young gentleman a safe journey to California, and much happiness and gold after he gets there. Our road has continued to approach the Canadian for the last three days, and we are now about four miles from it.

June 9.—After marching three miles this morning, we arrived upon the border of a deep valley, with high rocky ruffs upon each side, which we at once pronounced to be the stream Gregg calls "Bluff creek." Indeed, after we had passed it and ascended to the high plain on the opposite side, we fell into an old wagon trace, which confirmed me in the belief.

"Bluff creek" has good wood and grass upon its banks, and water plenty. It is of the same character as Dry river, with quicksand bed and poor soil in its valley. We followed Gregg's trace for several miles, and encamped in a ravine, where we found large pools of water coming from springs, with excellent grass and fuel. One of our gentlemen killed an antelope to-day, which we made our dinner from, and found it equally as good as venison. These animals frequent the highest and most arid plains, where no other animal ever resorts, and I have often found them where there was no water for many miles around. This has induced me to believe that they seldom require that element, without which most other animals perish in a short time. They are exceedingly timid; at the same time have much curiosity; and if the hunter will conceal himself in the grass, he can call them near him by showing his hand, or some other small object, above the grass.

June 10.—We made a late start this morning and travelled three and a half miles, when, ascertaining that there was no water for a long distance ahead, and Captain Dillard having marched about ten miles to overtake us, I determined to encamp at a ravine where we found wood and water. Although there may be times when there is no water here, yet I think it can always be depended upon, except in the very driest season. This place cannot be mistaken, as it is due south of, and about two miles from, a very prominent round mound, which can be seen for several miles. We have passed over a high rolling prairie for the last three days, destitute of wood, except a narrow fringe of trees upon the borders of the ravines—a soil worthless and utterly unfit for cultivation. We found great quantities of grapes in the ravines near our road, growing on low bushes, very similar to those that are trimmed and cultivated.

June 11.—We started this morning, our road continuing over the elevated plateau, destitute of water, until we reached here, where there is a fine spring creek, with a great abundance of wood and grass. Our march was fourteen and three-quarter miles; and this position must be reached, as it is the first camping place after leaving our camp of last night. We are at this point about eight miles from the Canadian. We have several varieties of wild fruit upon the creek near our camp; among others, grapes and gooseberries. There has been but little game seen for the last three days. I killed a turkey this evening, which is the first we have seen for a week. Quails or partridges are found at all places upon our road; this bird and the meadow-lark appear to be common in all latitudes, from the extreme northern States to the most southern.

The streams through this part of the country have but few fish in them. We have, however, seen the sunfish and catfish wherever there is a stream of any magnitude.

June 12.—Our march this morning, for the first four miles, was over rather heavy and sandy road, after which we had a smooth prairie. The soil for several days past has been of a white, sandy appearance; but to-day, as soon as we struck a red soil, our road became at once as firm as

marble, and our mules passed over it with great ease. Should travellers encamp at this place, they will be obliged to put a few sticks of wood in their wagons for cooking before reaching here, as there is none to be found on this stream. It requires but very little fuel to cook supper and breakfast, if it is properly economized. It should be cut short and split into small pieces; then digging a hole in the ground about twelve inches in depth, and of a size suitable for the wood and cooking utensils, all the heat is preserved, and a very small fire serves to cook a meal. We observed a very beautiful species of cactus along our road to-day, growing upon the high prairie to the height of six or eight feet. It shoots up from the ground in joints of about six inches in length, of an octagonal form, and every joint as it rises making an angle with the one beneath, sometimes branching off horizontally, and all nearly of the same size and length. A plant generally covers an area of ten or twelve feet in diameter, and, filled (as they are at this season) with a multitude of beautiful pink blossoms, they make the desert prairie look like a flower-garden. Our road has run nearly parallel to the course of the Canadian to-day, and the bluffs upon it can be seen nearly the whole distance. We have seen a few mezquite bushes during the past three days.

June 13.—The bluffs bordering the "Llano Estacado" have run parallel to our road, at from one-fourth to one mile distant, during most of the day. They are from 100 to 250 feet high, generally sandstone, covered in places with a growth of dwarf cedar. We marched 17½ miles over a very smooth prairie, and found an abundance of good water at four different places along to road.

As our wagon tires continued to become loose, from the shrinkage consequent upon the extreme dryness of the atmosphere in these elevated plains, I was desirous of finding a place where wood was plenty, in order that we might reset them. We were so fortunate as to find this a most favorable spot for that purpose, and at a convenient day's drive from our last encampment. Our present position is about half a mile from the road, to the left, near the timber. It is directly in a gap or notch, formed by the bluffs of the "Llano Estacado," which here jut in very near the road, and present the appearance of the walls of fortifications, with glacis revetted with turf. There is one near our camp, detached from the main bluff, that can be seen for many miles; and as it is round, very symmetrical, and crowned with a stone cap in the form of a reversed plate, it is a good landmark.

We passed a great deal of the small mezquite and numberless plants of the jointed cactus to day. The stalk of the latter is, when dried, a hard wood, and makes good fuel.

Our road has for a good portion of the day been passing through a continuous dog-town. One of the animals was brought alive into camp this evening, and having an opportunity to examine it, I was at a loss to conceive why it should ever have been called "prairie dog." It is a very timid animal; but, when irritated, bites severely, as one of our young gentlemen can testify. It is but little larger than the gray squirrel, of a reddish brown color, with head, teeth, and feet, very similar to that animal, and a more appropriate name, in my opinion, would be "prairie squirrel." In passing through one of their towns, early in the morning they are observed sitting upright at the mouths of their burrows, entertaining each other by a most incessant barking, very similar to that of

the gray squirrel. On the approach of an intruder they all disappear in their holes, but very soon can be seen poking their noses above ground again to see if the stranger is gone; and if so, the concert is resumed.

The rattlesnake and a small species of owl are found in the same holes with the dogs. At first I was doubtful whether this domestic arrangement was in accordance with the wishes of the owner of the premises, but, a short time since, I was satisfied no such friendly relations existed between them, for, on killing a rattlesnake at one of the dog holes, it was found that he had swallowed a young dog, thereby establishing the fact that the snake is an intruder, and preys upon the dogs.

June 14.—Leaving camp early this morning, we travelled two miles on our course, when we encountered a spur of the plain, running too far east for us to pass around under it; and finding a very easy ascent to the summit, I took the road over the plain. When we were upon the high table-land, a view presented itself as boundless as the ocean. Not a tree, shrub, or any other object, either animate or inanimate, relieved the dreary monotony of the prospect; it was a vast, illimitable expanse of desert prairie—the dreaded “Llano Estacado” of New Mexico; or, in other words, the great Zahara of North America. It is a region almost as vast and trackless as the ocean—a land where no man, either savage or civilized, permanently abides; it spreads forth into a treeless, desolate waste of uninhabited solitude, which always has been, and must continue, uninhabited forever; even the savages dare not venture to cross it except at two or three places, where they know water can be found. The only herbage upon these barren plains is a very short buffalo grass, and, on account of the scarcity of water, all animals appear to shun it. Our road was perfectly hard and smooth, and our animals did not suffer much from the effects of the long drive of twenty-eight miles which we made.

There are wood and water at nine miles from where we encamped last night; but from that point to our present camp is $18\frac{1}{2}$ miles, and no water in the intermediate distances. Should travellers not feel disposed to make the long drive of twenty-eight miles, they will find a good camping place at the first point indicated, and will have an easy drive for the following day. Two miles before reaching camp we descended from the plain to a creek with fine water, but little wood.

June 15.—We travelled for ten miles to-day along the foot of the bluffs upon our left, when we reached a stream where the water was standing in large pools, with sufficient wood and grass. I determined to encamp here, the distance to the next water being about ten miles. This has been an old camping place for Mexicans, as the trees in the vicinity are well stripped of their branches, and show marks of the axe; moreover, we are now upon the old Mexican cart-road.

Our friends in the emigrants’ camp are enjoying themselves much this evening; they have managed to raise some music, and are dancing around their camp fires most merrily. It certainly looks as if they were determined to keep up their spirits as they go along.

June 16.—In consequence of a shower, which came up about daylight, we made a late start and travelled twenty-two miles, when I ascertained from an advanced party which I had sent out early in the morning that I was still nine miles from the first water; as our teams were too tired to make that distance I encamped for the first time without that most necessary element. Our mules will suffer, but I shall make an early drive and

"lie over" to-morrow at the first water. I passed an ox-team to-day, owned by some men who had been left three hundred miles from here by a company in advance of us. One of their number had gone out for the purpose of hunting, and was lost. These men, with their team, had stopped back to search for him, and it was about ten days before they succeeded in finding him. They then started forward again, and have made a most extraordinary drive, averaging over thirty miles per day with a loaded wagon; and, notwithstanding they made a drive of thirty-eight miles yesterday, their cattle looked well.

This proves conclusively, I think, that oxen can perform a journey as well as any other animal.

About three miles from our camp of last night we came in sight of the "Cerro Tucumcari." It appeared to be about thirty miles distant, a little to the right of our course, apparently perfectly round and symmetrical, and is a most conspicuous landmark. It presents, when seen at a long distance, very much the appearance of the dome of the Capitol at Washington.

June 17.—We hitched up our mules at 2 o'clock this morning, and pushed ahead over the dry prairie for 13 miles before we found water; and this hardly deserved the appellation, for it had more the appearance of the drainings of a stable-yard than the pure element we were in search of. Notwithstanding this, our half-famished animals plunged in, and swallowed large quantities. It was sulphurous and decidedly disagreeable to the taste, yet we made use of it freely, and experienced no ill effects from it. Had we known the different points upon the road where water could have been obtained, we might have encamped at the last water, 22 miles from here, and easily driven to this place the following day.

Our present camp is nearly opposite the "Cerro Tucumcari," and near the bluffs bordering the plains "Indian signs" have been seen for the last three days, and the emigrants have lost several horses, supposed to have been taken by them. Notwithstanding this, many of them are very careless, and do not guard their animals as they should. It is necessary in the Comanche and Kioway country to be always upon the alert, as these Indians frequently follow a train for days together, only waiting for a favorable opportunity to steal horses.

A section of the vertebra of a buffalo, with several ribs attached, in a petrified state, was found to-day; also, several petrifications of pieces of wood and muscles.

The slope of the bluffs for the last 25 miles has been covered with a dense growth of small cedar trees upon a white sandstone rock, and Beaver informs me that it is to such places as this that the grizzly bear and mountain sheep resort. We have seen no game for several days. Horned frogs, rattlesnakes, chameleons, and swifts, are abundant, and appear to constitute almost the only indications of animal life upon these desert prairies.

June 18.—We travelled this morning along under the bluffs for three miles, where we crossed an "arroyo," in which there were water and wood in abundance. At about eight miles we were overtaken by a party of 20 or 30 Comanches, who came upon their trim-built ponies to pay us a visit. Their chief was a fine looking old man by the name of Is-saki-ep. He professed much love for Americans, and persisted in testifying it by giving me an embrace "à la Mexicaine," which, for the good of the

service, I forced myself to submit to. Seizing me in his brawny arms (we were still mounted on our horses) and laying his greasy head upon my shoulder, he gave me a most bruin-like squeeze; after undergoing which I flattered myself that the salutation was completed; but in this I was mistaken, and was doomed to suffer another similar torture, with the savage's head upon my other shoulder, at the same time rubbing his greasy face against mine; all of which he gave me to understand was to be regarded as a most distinguished and signal mark of affection for the American people, (whom he loved so much that it almost broke his heart,) and which I, as their representative, had the honor "pour amor patria" to receive. They followed us to our camp, where I told the chief that it was the desire of their Great Father, the President of the United States, to be on terms of friendship and at peace with all his red children, and that he expected emigrants would receive good treatment in passing through the Comanche country. They protested the utmost friendship and good will; after which I gave them some pipes and tobacco, and they went off well pleased.

Our encampment is upon a small creek directly between two mountains, called by the Comanches the "Big and Little Tucumcari." The larger one is about three miles to the south of our road, and some eight miles in diameter at the base. The small one is about eight miles north of the road, two miles in diameter, and 750 feet high.

June 19.—As our animals have become a little jaded from the long marches we have been making for a few days past, I concluded to stop here and give them a day's rest.

We were visited again this morning by our Indian friend Is-sa-ki-ep and about fifty of his band, with several women and children. The Comanche women are, as in many other wild tribes, the slaves of their lords, and it is a common practice for their husbands to lend or sell them to a visitor for one, two, or three days at a time. There is no alternative for the women but to submit, as their husbands do not hesitate, in case of disobedience, to punish them by cutting off an ear or nose. I should not imagine, however, that they would often be subjected to this degradation; for, if we may judge of them by the specimens before us, they are the most repulsive-looking objects of the female kind on earth—covered with filth and dirt, their hair cut close to the head, and features ugly in the extreme. No one would ever imagine that they belonged to the same species as the Anglo-Saxon women. They have several Mexicans (slaves) among them which they have kidnapped. They make use of the boys to herd their animals, and the women for wives. Those who visited us this morning were armed with the bow, quiver, and shield, and they gave us an opportunity of witnessing the force with which they can throw the arrow. As we were about to slaughter an ox, one of the Indians requested to use his bow for that purpose, and approached to within about twenty yards of the animals, strained his bow to the full extent, and let fly an arrow, which buried itself in the vitals of the ox, passing through and breaking two ribs in its course. It is thus that they kill the buffalo, upon which these Indians (who are called the upper Comanches, or "buffalo eaters") mainly depend for a subsistence.

They renewed their professions of friendship to us and all Americans. I received their assurances with the semblance of confidence—nevertheless, did not on that account exercise any less vigilance in the care of our

animals; for these fellows make their living by robbing the Mexicans of their horses and mules, and disposing of such as they do not require to the traders who come among them.

The wealth of the Comanches consists entirely in these animals. They serve them to ride, carry their burdens, traffic, and for food when no other animals can be found. Many among them own from fifty to two hundred horses and mules; and that man who has only twenty is regarded as a poor man. It is considered a great accomplishment to be able to steal horses successfully, and those who excel in this are the most highly honored in the tribe.

The band near us, consisting of about 300 souls, have 2,500 horses and mules—many of them fine animals; and they generally have the Mexican brand upon them. They require much care and attention, as they are herded upon the open prairies, and never receive any other food than that which the grass furnishes. Their details of herdsmen are made daily, with as much regularity and system as the guard details at a military post. Their animals are divided into separate herds of about 150 each, and are guarded night and day with the strictest vigilance and attention. In the summer, these Indians follow the buffalo as far north as Arkansas river, returning in the autumn to the south as far as the headwaters of the Brazos and Colorado, where they find the grama, mezquite, and buffalo grasses. These, remaining green during the winter, afford pasturage for their animals until the following spring, when they return again to the north. Thus they migrate back and forth. They plant no corn, and their only food is meat and a few wild plants that grow upon the prairies.

One of the gentlemen of the Fort Smith company lost a horse last night, and, learning he had been seen at the Comanche camp, went for him, but, on his arrival, was told that he had not been there. The chief was in our camp at the time, and knew nothing of the matter until his return home, when he required the horse to be delivered to him by a young man who had taken him, and brought him back to me, ten miles, saying that he was our friend, and would not suffer us to be wronged by any of his band. This evidence of his sincerity went further to convince me of his good faith than all he had said or done before, and I did not suffer him to go away unrewarded. I have now no doubt but the Comanches, seeing such numbers of whites passing through their country, are satisfied that they are not able to cope with us, and that their best policy is to remain at peace.

I had a talk with them to-day, in which I told them that their Great Father, the President, having such a multitude of white children in the country towards the east that there was not room sufficient for all of them, had purchased another country far towards the setting sun, and that he was now sending, and would continue to send, many of his children through their country to occupy the new purchase. He hoped and expected the Comanches would not molest these people in their journey through their country, but would take them by the hand, and treat them as friends and brothers. That General Arbuckle (their father at Fort Smith) remembered well the treaty he had made with Ta-ba-guee-na and other chiefs of the Comanches at Fort Holmes, in 1834, wherein they stipulated that our people should be allowed a free and uninterrupted passage through their country. That he hoped they had not forgotten it,

and he had sent them some pipes and tobacco to smoke in remembrance of the same.

The chief replied, that the talk was good; it did not go into one ear and pass out of the other, but sank deep into his heart and would remain there always. That he was a firm friend to Americans, and should treat them kindly wherever and whenever he met them. He was not one of those who took a friend by the hand and let him go whenever it suited his purposes, but that he held him fast, and remained true and sincere. He also stated that he had recently paid a visit to the Indian agent at Bent's Fort, had held a "talk" with him, and liked all the agent had said, except two things—one of which was, that our government would not suffer the Comanches to commit further depredations upon the inhabitants of the province of Chihuahua, or other parts of Mexico; the other, that they would be required to give up all Mexican prisoners now in their possession. These two things, he said, gave him much pain. After he concluded, I made him a present of tobacco and pipes, and some fresh beef, and they departed well pleased.

June 20.—Our march has been a long one to-day, as we passed no water after leaving the head of the creek upon which we encamped last night. We are here upon the "Laguna Colorado," where the Texans were taken prisoners. Although there is but little water above the surface in the bed of the laguna, yet, by digging about three feet, we found the greatest abundance. Our camp is on the left of the road, near the timber, with a plain trail leading to it. Grass good.

June 21.—After marching seven miles this morning through a grove of cedars, we crossed an arroyo with many large pools of water, about 400 yards to the right of the road, where there is good camping ground, with timber and grass.

At our camp to-night we are seventeen miles from our last encampment upon Pajirato creek, a branch of the Canadian. It is a good camping place; and should travellers pass over this road towards Fort Smith in a very dry season, I would recommend them to encamp here, and the following day at the large pools I have spoken of as seven miles from our last camp, as there is a greater quantity of water at that place than where we encamped upon the Laguna Colorado. They would then be able to drive to the head of the creek, where we met the Comanches, the following day.

June 22.—We travelled over a smooth dry prairie to-day for thirteen miles, and encamped upon "Gallenos creek," an affluent of the Rio Pecos. Here we had good water, with some cottonwood upon the creek, but the grass is short, the Mexicans having recently made this a pasture ground for large flocks of sheep. We have passed many high sandstone hills on each side of our road to-day, and we have seen far off in the distance the northwest mountains, with their tops covered with snow. The country in this vicinity is a miserably sandy plain, and fit for no other purpose but for grazing sheep.

June 23.—Our road passed for fifteen miles over a very high rolling prairie, with detached rocky hills upon our right, running off towards the Canadian, until we reached the principal branch of the Gallenos creek; a fine running stream, with a rock bed, and fifty yards wide. Nine miles from here there is a spring of cold water; and at this place the road forks, the right leading to San Miguel, the left to Anton Chico. We took the

latter, and reached the Pecos before night, making a drive of thirty-one miles. This was the first settlement we had seen since leaving Edwards' trading-house; and we were much delighted to see houses and cultivated fields once more.

Anton Chico is a town of about five hundred inhabitants, situated upon the west bank of the Rio Pecos, built (as all towns in New Mexico are) of "adobes," or unburnt blocks of clay, and looks at a distance like many piles of unburnt bricks. The inhabitants raise corn, wheat, onions, beans, and peas, upon which they subsist.

June 24.—After our long march of yesterday, I determined to remain here to-day, and rest our animals. This is St. John's day, and with the Mexicans a gala day, in which they all congregate, for the purpose of running horses, fighting chickens, dancing, and a variety of other amusements, in which they all participate with real hearty good will. In the evening I visited a fandango for a few minutes, where I saw the Mexicans in their favorite national amusement, the dance; and I was much surprised to see with what ease and grace a "peon," who is degraded to a condition worse than slavery, and is constantly employed in the lowest kind of menial services, would hand his signorita to the floor to engage in a gallopade or waltz. They are really very graceful.

June 25.—From all I could learn at Anton Chico relative to the road to Santa Fe, I inferred that the one passing through Galleno was the shortest and best. I therefore took this in preference to the San Miguel route. After crossing the Pecos, which we here found a very rapid stream of one hundred feet wide and two feet deep, we travelled over a well-beaten wagon road for fifteen miles, when we came opposite a beautiful little town on the Pecos, called "Questa." As the main road does not pass in sight of the town, I took a trail which can be easily travelled with wagons, and rode out until I suddenly and unexpectedly came upon the crest of a bluff terminating the high plain. Here, a most magnificent view presented itself as I stood upon the top of the almost perpendicular cliff bordering the valley of the Pecos, and one thousand feet above it: I could see the valley up and down the river for several miles. It is here about one mile wide, and shut in with immense walls of lime and sandstone. Casting my eyes down from this giddy height, a magnificent carpet of cultivated fields of wheat, corn, and other grains was spread out direct beneath me, with the beautiful little river winding quietly and gracefully through the centre; this, together with the Mexicans in their broad-brimmed sombreros and strangely shaped costume, plodding quietly along behind their ploughs and "carretas," and the "Sierras Blancos," covered with perpetual snow, and glistening in the distance like burnished silver as the sun shone upon them, formed one of the most beautiful landscapes that it is possible to conceive of. The town of Questa is upon the opposite bank of the river, and has about eight hundred inhabitants. I called at the house of the alcalde, but unfortunately he was absent. "El Signora," however, gave me a dinner, and did the honors of hostess with much hospitality and grace; and I am indebted to her for a most capital repast. I would advise those who pass over this road in future to turn from the main road about two miles before arriving opposite here, and encamp at the place where the road strikes the top of the bluffs. They will here have grass and wood, and can drive

their animals down into the valley for water. Our camp is ten miles from Questa, at a pool where we expected to have found water.

June 26.—This has been the longest day's march we have made since leaving Fort Smith, (33½ miles.) Twelve miles from our last camp we passed several lagunas or ponds, where we watered our animals, and gave them two hours' rest. At this place there are two roads—the left goes to Albuquerque, the right to Santa Fe. Taking the latter, it led us over a very hard prairie until we reached Gallestia.

June 27.—This town is situated on a creek which rises in the mountains near by, and runs through a dry plain into the Rio del Norte at San Domingo. We found a large encampment of emigrants here, recruiting their animals, laying in their supplies of provisions, and making preparations for their outward journey to California.

They bring their teams to this place to graze; and it is the nearest point to Santa Fe where they can find grass. They then visit Santa Fe, make their purchases, and return.

From this place to Santa Fe there are two roads. We started out in the evening, and took the right hand after passing the point of the mountain near the town, and travelled nine miles, encamping in a ravine running down from the mountain; found the grass here short, as it is everywhere in the vicinity of Santa Fe.

June 28.—Continuing up the ravine this morning, we struck the Independence road at the top of the mountain, and from here continued in it until we reached Santa Fe, about four o'clock in the evening.

The geological formation of the country changed the moment we entered the Independence road. Up to this time we had seen no primitive rocks, but now our road wound through the "cañons" of the mountains, bordered by cliffs composed of huge masses of granite, until we arrived within five miles of Santa Fe; from here to the town the country is a succession of barren hills, covered in places with a growth of dwarf cedars, destitute of grass and totally unfit for cultivation.

The route we have travelled over from Fort Smith to Santa Fe, as measured with the chain, is 819½ miles; and, for so long a distance, I have never passed over a country where wagons could move along with as much ease and facility, without the expenditure of any labor in making a road, as upon this route. Our course being altogether upon the south side of the Canadian, and generally upon the ridges dividing the tributaries of that river from those of Red river and the Washita, until we reached the grand prairie, we were not obliged to cross any large streams, and but few ravines or gullies. After passing beyond the head of the Washita we found the plains approached and continued near the Canadian; consequently all the streams flowing into it were short and small, thereby affording water sufficient for the traveller's purposes, but not presenting any obstacle to his progress.

The general course of the Canadian, along our route, is east and west; and as Santa Fe is almost due west from Fort Smith—the latitude of the former being N. 35° 44' 6", of the latter about N. 35° 20'—this makes our route very direct between the two points. The country lying between the two meridians of Fort Smith and Santa Fe is intersected by a narrow belt of timbered land, running from north of the Canadian to the southern part of Texas, and varying from ten to thirty miles in width. This, bordering the great western plains, forms the boundary line between the

woodlands and prairies. That portion of the country lying east of this is generally a rich and fertile soil, varied by lawns and woodlands, abounding with a multitude of beautiful streams and rivulets, and in every respect well adapted to cultivation; whereas, on the west, it is an ocean of barren prairie, with but here and there a feeble stream and a few solitary trees.

It would seem as if the Creator had designed this as an immense natural barrier, beyond which agriculturists should not pass—leaving the great prairies for the savage to roam over at will.

There are no ranges of mountains to cross over on our road, and but few hills of any magnitude; and these could in most cases be avoided entirely by passing around them, or their slopes made very gradual and easy. Generally, the face of the country is extremely uniform and smooth.

I am, therefore, of the opinion, that but few localities could be found upon the continent which (for as great a distance) would present as few obstacles to the construction of a railway as upon this route. It is true that, upon the western extremity, there is but little timber except cottonwood; but, in many places destitute of timber, there are large quarries of lime and sandstone, whose divisional structures are so perfectly smooth and uniform that the masses could easily be wrought into shape, and in many cases made use of as substitutes for timber. The surface of the ground is generally so perfectly even and level that but little labor would be required to grade the road; and, as there are but few hills or ravines, there would not be much excavation or embankment.

Table of Distances, &c.

Dates.	Places of observation.	Distances by chain.		Remarks.
		From camp to camp.	Total distance from Fort Smith, Ark.	
1849.				
April 5.....	From Fort Smith to Strickland's	15	15	Good camp.
	Camp creek.....	11	26	Good camp; Indian farm.
	Coon creek.....	12	38	Good camp; prairie.
	Sans Bois.....	9	47	Good camp on the west side, near the prairie.
	Bend of Sans Bois.....	14	61	Good camp; Indian farm.
	South fork Canadian, James creek.....	15	76	Do do
	1st ford of Coal creek.....	13	88	Good camp; house.
	2d ford of Coal creek.....	8	96	Do do
	Little Cedar mountain.....	4	100	
	Stony Point.....	6	106	
	Shawnee village.....	5	111	Indian houses.
	Shawneetown.....	14	125	Indian houses, opposite Edwards' T. H.
	Delaware mountain.....	21	146	Good camp.
	Branch of Boggy river.....	5	151	Do
	Clear creek.....	3	154	Wood and good water.
	Branch of Topof ki creek.....	7	161	Do do
	Cane creek.....	9½	170½	Do do
	Small branch.....	5	175½	Do do
	Mustang creek.....	11½	187	Do do
	Small branch of Chouteau's creek.....	17½	205½	Do do
	do.....do.....	6½	211½	Do do
	do.....do.....	5½	217½	Do do
	Head of Chouteau's creek.....	12½	230½	Do do
	Branch of Washita.....	6	236½	Good camp.
	do.....do.....	11½	247½	Do
	Branch of Spring creek.....	5½	253½	Do
	Head of Spring creek.....	16	269½	Do
	Road from N. Canadian side.....	9	278½	No water.
	Red Mounds.....	4	282½	Spring, wood, and grass.
	Branch of Washita.....	5	287½	Do
May 3 to 5.....				
5 to 7.....				
7 to 8.....				
8 to 9.....				
9 to 10.....				
10 to 11.....				
11 to 12.....				
12 to 13.....				
13 to 14.....				
14 to 15.....				
15 to 16.....				
16 to 17.....				
17 to 18.....				
18 to 19.....				
19 to 20.....				
20 to 21.....				
21 to 22.....				
22 to 23.....				
23.....				
23 to 24.....				

Ex.—13

Table of distances, &c.

Dates.	Places of observation.	Distances by chain.		Remarks.
		From camp to camp.	Total distance from Fort Smith, Ark.	
1849.				
May 24 to 25.....	Branch of Canadian.....	15½	303	Sulphur water.
25 to 26.....	Branch of Washita.....	17½	320½	Do
26 to 28.....	Branch of Canadian.....	18	338½	Brackish.
28 to 29.....	On Canadian.....	19	357½	Good water.
29 to 30.....	Little Washita.....	16	373½	Brackish water.
30 to 31.....	Branch of Canadian.....	13	386½	Good water.
31 to June 1.....	Antelope Buttes.....	17½	404	Good water; no wood.
June 1 to 2.....	Rush lake.....	14	418	Near high buttes; no wood; good water.
2 to 4.....	Branch of Washita.....	16	434	Near large cotton-wood; wood and water.
4 to 5.....	Dry river.....	10½	444½	Good water.
5 to 6.....	Branch of Canadian.....	17	461½	Do
6 to 8.....	Timbered creek.....	22½	483½	Fine spring.
8 to 9.....	Spring branch.....	11½	495½	Good water.
9 to 10.....	do.....	14	509	Do
10 to 11.....	Branch of Canadian.....	3½	512½	Near high mound; good water.
11 to 12.....	do.....	14½	527½	Good water.
12.....	do.....	8	535½	Not our camp.
12 to 13.....	do.....	10½	545½	No wood; good water.
13 to 14.....	Spring branch.....	17½	563½	On the left of the road.
14.....	Branch of Canadian.....	9½	573½	Not our camp.
14 to 15.....	do.....	18½	591½	Wood.
15 to 16.....	Pools of water.....	10½	602	Not our camp.
16.....	Large water.....	10	612	Not our camp.
16 to 17.....	No water.....	13	624	Wood.
17 to 18.....	Pools of water.....	13	637	Near Cerro Tucumcari; wood.
18 to 20.....	Tributary of Canadian.....	13½	650½	Not our camp.
20.....	Head of Creek.....	5	655	Not our camp.
20 to 21.....	Laguna Colorado.....	19½	675½	Not our camp; good wood.
21.....	Pools of water.....	7	682½	Wood and water.
21 to 22.....	Pajarito creek.....	10½	693½	

93 to 94.....	Gallinas creek.....	13½	706½	Wood.....
94.....	San Gallinas creek.....	13½	737½	Wood and water; not our camp.
95 to 96.....	Rio Pecos (Anton Chico).....	16½	737½	Wood and water.
95.....	Rio Pecos (Questa).....	15	759½	Camp on the bluff.
96 to 97.....	Without water.....	9½	761½	Good wood and water.
96.....	Laguna Colorado.....	12½	77½	Two red ponds on left; not our camp.
97 to 98.....	Gallestra.....	21½	795½	Good water.
97 to 98.....	In cañon.....	9½	804½	No water.
98.....	Santa Fe.....	15	819	

NOTE.—From Fort Smith to Clear creek the road has an abundance of wood, water, and grass upon it, and the traveller can encamp any time he chooses.

Immediately after our arrival at Santa Fe I sent our mules to Tocolote, about sixty miles off, to recruit. This was said to be the nearest and best place for grazing in the vicinity of Santa Fe. I made arrangements also to have them fed with corn while they were at the grazing camp, in order that they might be in a condition to travel and make the return march at as early a period as possible. They were, however, in such poor condition when we reached Santa Fe, that it required six weeks' rest before I considered them sufficiently recruited to perform the journey back.

In the mean time, during our stay in New Mexico, Lieutenant Buford, with the dragoons of my command, was ordered to "James," (seventy miles,) upon an expedition against the "Navajo Indians," who had been committing depredations in that quarter, and was absent about three weeks upon this service. Lieutenant Harrison and Dr. Rogers were also (at their request) assigned to duty with a detachment sent out on an expedition against the Apaches, under Major Steen, and marched about six hundred miles through the country south of Santa Fe, while I remained with the infantry portion of my command as the only garrison of Santa Fe.

I made inquiries relative to the practicability of finding a wagon route from a point south of Santa Fe, upon the Rio del Norte, crossing the Rio Pecos and striking in an easterly course to the headwaters of Red river, or the Brazos, and from thence back to Fort Smith; but, as the country lying east and adjacent to the Rio del Norte is for the most part infested by Apaches and other hostile Indians, I found but few Mexicans who knew anything about the country, and these were unwilling to act as guides and return home alone through the Indian country. I, however, found, a Comanche Indian living at San Miguel who was born and raised directly in the country over which we desired to pass, and was perfectly familiar with almost every stream and water-hole upon the prairies. It was his opinion that wagons could pass without difficulty from a point of the Rio Grande called "Joya de Cibaletta," about one hundred and fifty miles below Santa Fe, to the headwaters of the Colorado, crossing the Pecos at a grove of timber called "Bosque Redondo," about seventy-five miles below Anton Chico. Upon this route he stated that he could take the wagon train from Santa Fe to the head of the Colorado in one month, and would insure water for the mules every night. He furthermore stated that there were but three places where the Llano Estacado, or Staked Plain, which extends four hundred miles from north to south on the east side of the Rio Pecos, could be crossed, on account of the scarcity of water; one of them was north of the "Joya de Cibaletta," and another nearly opposite El Paso. As all the California emigrants, after their arrival at Santa Fe, are obliged to turn and go down the Rio Grande (some three hundred miles) to Cooke's route, before they can find a wagon road through the mountains west of the river, it occurred to me, that if there was a practicable route from that point to Fort Smith, it would shorten the distance to California very much; and as several parties of emigrants had reached El Paso from Texas, I was satisfied I could go through, and I employed the Comanche guide and determined to return by the southern route. Previous to our departure Lieutenant Sackett had been promoted to the company to which the dragoon portion of the escort belonged, and Lieutenant Buford having been promoted to a company stationed in California, they were transferred by order of the commanding

officer at Santa Fe. These, with the exception of one man left sick at Santa Fe, were the only changes in the command from the time we left Fort Smith.

From Santa Fe we struck the Rio Grande at Algodones, and followed the road down the east bank of the river until we reached Fra Cristobal on the evening of the 25th of August.

At this point the bluffs of the mountains approach near the river, and render it necessary to keep to the left across a large bend, where in a dry season there is no water, until reaching the river again; this is the commencement of the "Journado del Muerto."

Leaving Fra Cristobal at two o'clock on the morning of the 26th, and passing up through a cañon out of the valley of the Rio Grande, we entered the dreary plain of the Journado, and marched to the "Laguna del Muerto," a distance of $25\frac{1}{2}$ miles by the viameter. Although there is sometimes water in the Laguna for several days after a rain, yet, when we arrived, the bed was perfectly dry. We had, however, filled our water barrels at the river, and the men did not suffer. After resting our animals and giving them time to graze, we again started forward, and marched to Peralillo or "Point of Rocks," $28\frac{1}{2}$ miles. Here we found rain-water standing in pools, and encamped for the night.

On the 28th, after marching $23\frac{1}{2}$ miles, we reached the river again at the southern extremity of the Journado, making the entire distance across the desert $77\frac{1}{2}$ miles. The road passes over a very high and level plain, is perfectly firm and smooth, and is generally travelled (when there is no water) in two nights and one day with loaded wagons. As this is upon the main and only road from Santa Fe to El Paso, and has been travelled for many years by the inhabitants of New Mexico, I presume there is no way of avoiding it. We found the grass good, and a small growth of scrubby brush, which answered very well to cook with; but there were no trees or other vegetation, except several varieties of the cactus and palmetto.

Upon both sides of the road there were detached mountains in sight constantly, and one near which we passed soon after leaving Fra Cristobal was composed entirely of large masses of dark basalt thrown together loosely into an immense hill or mountain of some five hundred feet high.

On the 29th we reached Dona Ana, a town upon the east bank of the Rio Grande, sixty miles above El Paso, of 300 inhabitants, principally Mexicans, who raise corn, wheat, onions, beans, and grapes, and depend for a subsistence almost entirely upon the cultivation of the soil. They are obliged here, as in all places in New Mexico, to irrigate, as without this the soil would produce nothing. The only available land is, therefore, in the valley, where water can be carried in canals or ditches from the river.

This is a new town, settled by men from El Paso some ten years since, and, until it was garrisoned by a part of a company of United States troops, was frequently visited by those brigands of the mountains, "the Apaches," who were in the habit of coming down from their mountain retreats, stampeding and driving off cattle and horses, and before the Mexicans were aware of their proximity, were out of reach again in the mountains.

These Indians are perfectly lawless, savage, and brave, and having been allowed to roam the country at will, and commit depredations upon

the Mexicans for so long a time, it will require a very severe lesson to teach them that we are masters in New Mexico. Being a numerous tribe, and commanded as they are by an ambitious chieftain by the name of "Gomez," who has received a Spanish education in Mexico, and being entirely dependant upon plunder for a subsistence, I am of the opinion that they are destined to give us much annoyance and trouble before they are subdued.

Dona Ana being but fifteen miles below San Diego, (the point upon the Rio Grande where Colonel Cook's road leaves the river,) and the only town within seventy miles, I was anxious to find the shortest practicable wagon road from here to Fort Smith. I therefore made inquiries relative to the country between here and the Rio Picos, but found that this part of the country was almost wholly unknown to the Mexicans, as (although they are great travellers) it is seldom that they can be induced to venture far into the Apache "range." I found one man, however, who stated that he knew the country for fifty miles east of Dona Ana, and, upon condition that I would deposite the amount he was to receive with the commanding officer for the benefit of his family in case he should be killed in returning, he would consent to accompany us that distance. I accordingly engaged him, and on the morning of the 1st of September left Dona Ana, taking a course N. 81° E. towards a gap in the Organ range, called San Augustine Pass. Our road passed to the left of the high Organ peaks by a gradual ascent for fifteen miles until we reached the gap, which was low, and the passage smooth and easy. From here we passed around to the south for four miles under the base of the mountain, where we encamped at a spring, and found fine grama grass. The Organ range of mountains takes its name from the supposed similarity of the high-pointed peaks to the pipes of an organ. They are a trap formation, and somewhat columnar in their structure, with the columns standing vertically, and in some cases rising to the height of a thousand feet, and terminating in sharp points.

Upon the lower part of the mountain there is good pitch-pine timber, but no other wood except a species of small oak. From our present position we can see the Sacramento mountains very distinctly across a level plain to the east. They do not appear to be at a greater distance than eight or ten miles from us, but our guide informs me they are forty miles off; this illusion is often experienced in New Mexico, and I can only account for it by the remarkable purity and transparency of the atmosphere, which enables the eye to penetrate far, and to discern objects distinctly.

September 2.—Continuing along under the base of the Organ mountains, we struck the road from El Paso to the Salt lakes at about three miles from our camp of last night, and followed this for three miles further to a spring which rises in the mountain, and runs down a ravine upon which we are encamped, to the road.

This is called the "Ojo de Solado," and has an abundant supply of water at its source, but sometimes it is absorbed by the sand before it reaches the road, and it is then necessary to send to the foot of the mountain for water, as we cannot drive wagons nearer than the road.

The Sacramento mountains are in sight to-night, and the two ranges, "Organ" and "Sacramento," run nearly parallel from north to south, and from thirty to forty miles apart. The intervening valley is flat and

sandy, and has no water upon it. As we had to cross this valley, we provided ourselves with a supply of water for the use of the men, and on the morning of the 3d September left camp, and following the Salt road for about four miles, struck in a direct line for "Waco mountains," which can be seen from our last camp, and where we were told by the guide we should find water. As the road was somewhat sandy and we had to make a new track, our progress was necessarily slow. After travelling eighteen miles we halted at 6 o'clock in the evening, giving the men time to sleep, and the animals to graze and rest, when we were again in motion, and reached the Waco mountains at 2 o'clock p. m. on the 4th of September, making the entire distance from the Solado spring to this place $37\frac{1}{2}$ miles, about seven miles greater than the estimate of our guide.

The manner in which the Mexican traders make these long stages without water (and I believe it to be the best) is, before starting, to graze their animals from morning until about 3 p. m., give them all the water they will drink, then harness and start them immediately, and drive until 4 o'clock the next morning, when they stop three hours to graze while the dew is on the grass, and drive until it becomes hot towards the middle of the day; they then make another halt until 5 o'clock in the evening, when they start again and push through to the water. In this way fifty, sixty, or seventy miles can be made with loaded mule or ox wagons in the hottest weather of the summer. The Journado del Muerto is 77 miles in length; yet it is travelled during the whole year with heavily loaded teams. After these long drives, animals should be allowed a day or two to rest and recruit.

Our present encampment is but thirty miles from El Paso, and our guide informs me that the road is not so sandy as the one we have passed over; but our route is about thirty miles nearer from this point to Dona Ana, than to go the El Paso road. There is a plain wagon road from here to El Paso. We found a great abundance of good water in an immense tank up a ravine on the South mountain. This is a huge deep basin, scooped out of the solid rock with great symmetry and regularity, and of sufficient capacity to contain several hundred gallons of water. We also found sufficient water for our animals in the ravine. The road passes between the two mountains, which approach within a few rods of each other, leaving a level pass, bordered by immense ledges of rocks, standing out in bold relief directly over the road. The rocks composing the mountains are large masses of dark-gray sandstone, thrown up in the utmost disorder and confusion, leaving numerous holes and caverns, which have often served the Apaches as hiding places.

We remained at this place on the 5th, and on the morning of the 6th, making an early start, crossed a plain in an easterly direction towards the south base of the "Cierra Alto," which is about 1,500 feet high, and can be seen for many miles around. Here we entered a cañon, which brought us by a very easy and gradual slope, of about three miles, to high level mesa or plain, directly at the southeastern base of the mountain.

From this point we would see the Sierra del Alamo, in a direction north 75° east, and to this our road led us over a firm prairie, a distance of $22\frac{1}{2}$ miles.

The Sierra del Alamo is a mountain of gray sandstone, mixed with flint rock, about 1,000 feet high, and stands out alone upon the flat prairie.

On the north side, about 300 yards from the road, is a spring near three

cotton-wood trees, with an Indian trail leading to it. The spot cannot be mistaken, as there are no cotton-wood trees anywhere else in the vicinity.

Our road to-day, with the exception of one place in the cañon, was capital, passing over a prairie perfectly hard and smooth.

Along the whole course of the road from Dona Ana here, there has been a most luxuriant growth of grama grass of several different kinds, and we find sufficient fuel for camping purposes at all places.

September 7.—We passed around the north base of the "Cierra" this morning, when we came in sight of the rugged top of the "Comudas," in a direction N. 72° E.; from here our road was over the gravelly mesa, and perfectly good for 8½ miles, which brought us to the "Comudas." This is another of those immense piles of loose rocks, which, rising up almost perpendicularly to the height of 500 feet out of the level gravelly plain, and utterly denuded of vegetation, presents a most strange and picturesque appearance, very different from any scenery we meet with in the settled parts of the United States. Upon the east side of the "Comudas" there is an arched entrance into a large cavern which is lighted from above, and in this we found a well fifteen feet deep, filled to the top with beautifully pure water; besides this we found water sufficient for our animals in tanks on the west side of the hill.

Our guide informed us that this is a favorite place of resort for the Apaches, who come here when travellers are seen approaching, hide themselves in the caverns of the mountains, and rob them of their horses, and cautioned us to be upon our guard on our arrival, as they might be in the midst of our animals before aware of their presence: we have, however, seen none of them.

The geological formation of this mountain is different from any we have passed before, being a dark coarse granite or gneiss, with a small proportion of feldspar, and the mica predominating. All the other rocks we have seen before, between this place and the mountains at Santa Fe, have been secondary.

September 8.—Our road to-day led us around the east side of the Comudas, to the north end, where we turned almost due east, and travelled towards the southern peak of a high range of mountains called the "Sierra Guadalupe." For the first five miles we passed directly at the foot of a low range of hills running northeast and southwest, after leaving which we struck out upon the high prairie, and found the road most excellent the entire distance to the Ojo del Cuerbo, or Crow Spring. The spring is upon the open plain, and contains a large supply of water at all seasons; and, although it is sulphurous, yet animals are very fond of it, and we found it to answer, in the absence of better, for drinking and cooking.

Two miles from here our road crossed the dry bed of the outlet to the Salt lakes some twenty miles south of this; there was a thin, white incrustation of salt over the bed of the stream. Vegetation has been of the same character to-day as heretofore, and the grama grass growing everywhere upon the road. Our march has been 26 miles, but the road so good that our animals did not suffer, and we reached camp early.

September 9.—Our course this morning, after leaving the Ojo del Cuerbo, was south 49° east, bearing directly for the peak of the Guadalupe, until we arrived nearly opposite to it on the west side; we then continued past it, gradually turning to the left around the hills at the base until we reached a rocky ravine which led us directly up to the foot of

the towering cliff of the peak. We encamped near the head of the ravine, where there is a spring about 200 yards north of the road, and good grass. Animals must be driven up the ravine to the water, as the wagons cannot pass further than the turn of the road.

We had a good road to-day, with the exception of four miles of sand, and made twenty-three and one-twentieth miles.

The Guadalupe range of mountains terminates at this place in an immense perpendicular bluff of light-colored sandstone, which rises to the enormous height of nearly two thousand feet, and runs off to the northeast towards the Pecos. On the south of the peak there is a range of bluffs about two hundred feet high, running from north to south across our course, and over which we have to pass. At about ten or twelve miles south of here this bluff appears to terminate; but as we can pass up without difficulty at this place, we shall not go out of our course to avoid it.

September 10.—We remained in camp to-day until about 3 o'clock p. m., when, getting our wagon train up the hill, we found ourselves upon very high rolling table land, which our guide says descends from here to the Pecos river. As we have been continually ascending from the Rio Grande to this point, we are therefore now upon the summit level of the two streams. As it rained most of the afternoon, we only made a short march of four miles, passing in a northeast direction around under the mountains, and encamped in a ravine which runs down through a large grove of pine timber from a gap in the Guadalupe mountains; there is a fine spring three hundred yards to the west of the road, which affords an abundant supply of water.

The mountains are covered on the eastern side with groves of large pine trees; and as this is the only kind of timber fit for building in the country, it may some day be useful. We have also seen a species of cedar with the bark resembling that of the oak, and very different from any we have ever seen before.

There are many varieties of the cactus and palmettos about the mountains, and we have this evening for the first time seen the maguey plant, which constitutes almost the only vegetable food that the Apaches and southern Comanches get for a great portion of the year. They prepare it by boiling it until it is soft, then mash it into a paste, and I am told that in this form it makes a very palatable, nutritious food.

The Guadalupe is the last of the mountains between the Rio Grande and the Pecos. It appears there are three distinct ranges of mountains traversing the country east of El Paso in a north and south direction: the first the Organ range, twenty miles east of the Rio Grande; thirty miles from this the Sacramento, the continuation of which, about fifty miles north of Dona Ana, is called the "Sierra Blanco," and has perpetual snow upon its summit; from thence it extends on to near Santa Fe. The third is the range of the Guadalupe, fifty miles east of the second.

These wild and rocky mountain ranges are the places where several animals resort that are to be met with nowhere else. The grizzly bear (the most formidable animal of the continent) finds a lurking place in the caverns and thickets, and feeds upon the wild fruit that abounds here. The bighorn, or cimarron, is also seen skipping playfully from rock to rock upon the narrow overhanging crags, and cropping the short herbage which grows upon them: these, with the black-tailed deer, are almost the only animals found upon these mountains. One of the latter was killed this

evening, and we found it very similar to the common fallow deer of the States, but much larger.

There are but few varieties of birds upon the prairies: we have, however, seen quails at all places we have been, and occasionally a few plover and English snipe.

September 11.—As our animals were somewhat jaded from the long marches we have made for a few days past, and as we had a long journey before us, I remained in our camp of last night until after dinner to give them rest, when we moved forward over a good road to Independence spring, five miles.

Here we found two large springs of pure cold water, which boil up from the ground and run off in a stream about the size of a barrel, with a great supply of oak wood and grama grass near, rendering it a most desirable place for encamping.

The country from the base of the mountains to this place is rolling, and the soil good.

The peak of Guadalupe, and the general outline of the chain, can be seen from here, and it appears to be impossible to pass through it with wagons anywhere north of our route; and as the defile is near the peak, which can be seen for many miles around, it is a good landmark.

About twelve miles south of this are several salt lakes, which our guide informed me had been formerly resorted to by the Mexicans for salt; but that since the Indians had become hostile, they did not venture to go there. The salt is deposited in a pure state upon the bed of the lake, about six inches in thickness; and when the water becomes low and recedes from high-water mark, it can be shoveled up in large quantities. The Salt lake north of El Paso is of the same character, and furnishes all the salt that is consumed in New Mexico and several of the States of southern Mexico. From specimens that I saw, I should imagine it to be pure chloride of sodium, with a very strong saline taste, and equal to the best Turk's island salt.

As it rained nearly all day to-day, the 12th September, we did not move.

On the 13th we started forward again, and travelled over a hard rolling prairie, passing many round symmetrical mounds on each side of the road, until we reached the Ojo de San Martin, at the head of the Delaware creek, our average course being south 85° east, and the distance travelled $15\frac{1}{2}$ miles.

The mounds were standing isolated and detached from the other hills around, and were as regularly symmetrical as they could have been made by art, being composed of an alternate strata of lime and sandstone lying horizontally upon each other in thin plates like slate, and receding in terraces from the base to the top, the shape in all cases being conical, and almost as round as if cut out for a monument. We noticed one with a cap upon the top, in the form of an inverted plate, which, from its peculiar shape, the Mexicans call "centirula."

We saw a fresh Apache trail crossing our road to-day, and, as they are probably hovering about us for no good purpose, I shall see that our animals are guarded with great care. Our custom has been to herd them during the day in the immediate vicinity of the camp; at night the mules are driven into a "corral," formed with the wagons arranged in a circle, and the horses picketed together near the tents of the men, with senti-

nels walking among them constantly. In this way I think we shall baffle Messieurs "Los Apaches," notwithstanding they have the reputation of being the most expert and boldest horse thieves in the west. They have often had the impertinence to enter the Mexican towns in open daylight, drive off animals, and take women and children prisoners, before the faces of the soldiers stationed there; indeed, they are as inveterate freebooters as can be found on earth.

There are several springs at this place, the waters of which unite and form the Delaware creek. One of them, the Ojo de San Martin, bursts out of a solid limestone rock in a volume of sufficient magnitude to drive an ordinary saw-mill at the fountain-head, and is as pure, sweet water as I ever drank.

Above this there are several others possessing different mineral properties. One is highly charged with sulphuretted hydrogen, and tastes very much like the Kentucky "Blue Lick water." Another is decidedly chalybeate, and a third is strongly sulphurous, leaving a thick incrustation of sulphur upon the rocks for many yards from the source.

These unite in one common outlet, and the amalgamation is far from pleasant to the taste.

Is it not within the scope of probabilities that these springs may be found to possess valuable medicinal properties, and that this place may yet (and at no very distant period) become a place of fashionable resort for the "upper-ten-thousand" of New Mexico? The climate here is delightful, the atmosphere perfectly elastic and pure, and the temperature uniform and delicious; then, may not an invalid derive as much benefit at this place as at Saratoga or any other of our watering places?

There is but little wood near here, except some small mezquite bushes and a species of dwarf live-oak, which answers very well for fuel. I also noticed yesterday a tree which is spoken of by a writer in California as being frequently seen there. It resembles the box-wood in some respects, growing in clusters or bunches, with a similar leaf, but appears to shed its bark (which is very thin and tough) annually. At this season, when the old bark is off, the stock and branches have more the appearance of the limbs of a person, both in color and texture, than of a tree, the exterior being a most beautiful flesh-color. It produces a fruit which is eaten by the Indians.

September 14.—Our course to-day has been north 83° east, down the left bank of the creek, crossing over a tract of poor soil covered in places with white decomposed gypsum. We touched the creek at but one place, until we arrived at our present camp. This is upon a high sandy bluff bordering the creek.

We found the stream at this point literally alive with a multitude of fish, and in a very short time we caught enough to supply the whole command. Among other kinds, we caught a white bass that I have never seen anywhere before, and found it very excellent.

From our last camp to where we struck the creek was $6\frac{3}{4}$ miles, and from there to this place $5\frac{3}{4}$ miles.

September 15.—We continued down the creek to-day in a course north 67° east for $9\frac{1}{2}$ miles, crossed and encamped on the south bank. We have passed over a country similar to that of yesterday, being poor soil, no timber, and covered with decomposed gypsum. The grama grass is

very large and abundant along the valley of the stream, and affords excellent pasturage for our animals.

September 16.—Leaving the Delaware creek this morning, we struck out upon the prairie in a course south $64^{\circ} 30'$ east, and, after travelling nine miles, came in sight of the valley of the Rio Pecos. Our course led us down the stream six miles further, where we descended from the high lands into a sandy bottom, and encamped upon the river. The stream is here about thirty yards wide, very sinuous, rapid, and deep, with high clay banks. I understand that it receives a very considerable tributary some fifty miles above here, called the "Sacramento river," rising in the chain of mountains of that name; and this is said by the Mexicans to have upon its borders the most beautiful valley of lawns and woodlands of any streams known in New Mexico. They express their admiration of it by the word "linda," which, I believe, signifies super-excellent; yet, as it is in the heart of the Apache "range," it has never been settled.

Our Comanche guide informs me this evening that I cannot, as I desired, go directly from this point to the head of the Colorado or Brazos, as no man (not even an Indian) ever undertakes to cross the "Llano Estacado" opposite here. He states that it is eight days' travel from here to "Bosque Redondo," where the route from the "Joya de Cibaletta" crosses the Pecos, and about sixty miles to where the other route crosses near the southern terminus of the Llano Estacado. We are, therefore, obliged to follow down this stream until we find we can with safety turn east.

September 17.—We continued down the Pecos this morning for four and a half miles, where there is a rapid, with good rock bottom; and here we could have forded the stream, there being but three feet water in the channel. I, however, concluded, as the banks required some digging, to make a good passage for the wagons, that I would continue down the valley and search for a better crossing. After marching six miles further, we encamped again on the west bank of the river. Here we found the finest and most luxuriant grama grass we had seen, with mezquite wood. The water of the Pecos is slightly brackish, but we used it without inconvenience.

September 18.—Keeping down the right bank of the river, we found the valley covered in many places with a growth of small mezquite trees, and in these we saw for the first time since leaving the Rio Grande the white-tailed or common deer of the States. Our course was $S. 68^{\circ} 7' E.$; distance travelled $13\frac{1}{2}$ miles. The soil in the river bottom has been clay, covered with a heavy grama grass, and the stream very crooked, with perpendicular banks from three to twenty feet high. Along its whole course the water is muddy, resembling the water of the Rio Grande. There is a total absence of anything like timber on its banks, and a stranger would not expect to find a water-course in approaching it until he was directly upon it, so much does it appear like other places upon the surrounding prairies. The course of the river runs so much nearer the direction I wish to travel than I had been led to believe from the maps of the country, that I shall continue down for some days further before turning east.

September 19.—Our road continued in the valley of the river, touching it occasionally, and cutting off the large bends, where it could be done, until we reached a high bank at $13\frac{1}{2}$ miles from our last camp; here we

found good wood and grass, and encamped. The soil has been of a clayey nature to-day, but very soft and rich; no timber except small mezquite bushes, which answer very well for fuel. The road through the bottom where we have travelled to day will be muddy after heavy rains, but at such times travellers can keep back upon the high prairie ridge.

September 20.—Our course to-day was S. 81° E. for 15 $\frac{1}{2}$ miles along the west bank of the river. We passed a small salt lake upon our road, which was very highly saline; with this exception, the features of the valley were similar to that part which we passed yesterday. As I have not been able to find another ford since leaving the rapids, I have concluded to endeavor to effect a crossing at this place to-morrow. The river from the rapids here is very rapid, deep, and narrow, with high vertical banks of soft clay.

September 21.—I was obliged to resort to one of those expedients which necessity often forces travellers in this wild country to put in practice; and that was, to invent and construct a substitute for a ferry-boat to transport our men and baggage across the river. This I did by taking one of our wagon beds and placing six empty barrels in it, lashing them down firmly with ropes, and tying one on each outside, opposite the centre. I then attached a long stout rope to each end of the bed, and placed it bottom up in the water; a man then swam the river with the end of a small cord in his mouth, and to the end of this was tied one of the ropes of the wagon, which he pulled across and made fast to a stake upon the opposite bank. Some men then took passage upon the inverted wagon boats, and the current carried it to other shore, the rope attached to the stake preventing it from going down the stream further than its length. The boat was then drawn back by men for another load, and in this manner we crossed our men and baggage in a short time. We could transport 2,000 pounds of freight at one load, perfectly dry. Our wagons were then lashed fast to the axles, with ropes tied to each end, when they were pushed into the river and hauled across. There were fifteen feet of water where we crossed. As the current ran rapidly and the banks were muddy and steep, I was fearful that our mules would not make the passage. I therefore tied a rope to the neck of each one and pulled them across.

September 22.—This morning we made a march of nine miles down near the left bank of the river in a direction N. 82° E., where we struck a narrow laguna, or lake, which we followed for about two miles, and encamped near the southern extremity. The soil has been a rich loam, and I have no doubt would prove very productive. There has been a chain of sand hills in sight to-day, running from north to south across our course, about twenty miles to the east of us, (upon the Llano Estacado,) in which our guide informs me that there is water, but that we are obliged to pass over a sandy road for some fifteen miles to get through them. I have, therefore, determined to remain at this place until I can send ahead and ascertain whether I cannot pass to the south of them.

September 23.—I sent out Lieutenant Sackett, with an escort of dragoons, this morning, to explore the country in the vicinity of the sand hills, and shall remain here until to-morrow evening, by which time I expect to learn the result of his explorations.

September 24.—After filling our water barrels, and giving our animals all they would drink, I made a start this evening at two o'clock, and

travelled ten miles in a direction nearly perpendicular to the valley of the river. Shortly after we left the laguna, an express returned from Lieutenant Sackett, informing me that, after, making a thorough examination of the range of sand hills for about forty miles south of our course, he was of the opinion that there was no place within that distance where they could be crossed with wagons. The whole surface of the country in that direction seemed to be one continuous succession of white sand hills, from twenty to one hundred feet high, in which his horses sunk to their knees at almost every step, from which I infer that the route indicated by our guide is the only one in the vicinity where this formidable obstacle can be passed. I shall, therefore, take a direct course for the pass in the morning, and expect to reach the hills during the day.

September 25.—We reached the sand hills this afternoon, about two o'clock, over a good level road, except about four miles near here, which is sandy, making the distance from the Pecos twenty-three miles and four-tenths. There is a great abundance of good water at several places in the sand hills, but it is necessary to drive animals to it, as it is half a mile from the road and wagons cannot pass nearer. There is a trail leading to the water from where the road strikes the hills. These hills, or mounds, present a most singular and anomalous feature in the geology of the prairies. They extend (so far as we have explored) at least fifty miles in nearly a north and south direction, and from five to ten miles east and west; they are white drift-sand thrown up with much uniformity into a multitude of conical hills, destitute of soil, trees, or herbage.

In following up the trail from our road into the midst of this ocean of sand, we suddenly came upon several large, deep pools of pure water—the very last place on earth where one would ever think of looking for it. We are told by our guide that water can always be found here in the dryest season, and, judging from the rushes and other water plants growing in the ponds, I have no doubt that such is the case.

September 26.—As we have a long march before us still, and as the road through the hills is sandy, I have concluded to double teams to-day, and send on one-half of the wagons to the last watering place, five miles from here, and take up the remainder to-morrow.

September 27.—We moved up to-day with the wagons that were left behind yesterday, and found the water at this place equally as good as at the other. Although there are but two particular points where trails lead from the road to water in the hills, yet it can be found almost anywhere between the two points by going about half a mile to the east of the road, among the highest hills.

September 28.—Eight miles of sandy road which we passed over to-day brought us out upon the hard prairie again. Thus the entire distance from where we first encountered the sand to this place is about seventeen miles; but only about one-half that distance is bad, and this not worse than some parts of the road upon the Rio Grande. There is good grass near the hills, and sufficient wood for fuel.

September 29.—Leaving the sand this morning, we pushed out upon the high plain of the Llano Estacado, not knowing whether we were to find water before we reached a laguna about sixty-five miles distant. As our guide had passed over this portion of the road but once before, and then in a hurry, he was not very familiar with the localities. I therefore

sent a party in advance to search for water, and felt some anxiety as to the result; I was relieved, however, about 11 o'clock, when a messenger returned with the cheering intelligence that the party had found a large pond of good water about sixteen miles from where we left this morning. This good news appeared to inspire our men and animals with renewed vigor. From the cheerless silence of the last two hours, the aspect of everything changed in a moment to humorous jokes and boisterous merriment. The whips were heard cracking from one end of the train to the other, and the mules appeared to move along with more ease than before.

From the sand hills our road followed an old Comanche trail until we turned to the left, two miles from our present camp. The track we make is plain, and travellers will have no difficulty in following it to the water. We are near two ponds in the prairie, where, judging from present appearances, there will always be water found, except in the dry season; the grass is good. Our course from the sand hills is N. 57° E., and the distance fifteen miles and three-tenths.

September 30.—In consequence of the hard work we have given our mules for the last four days, I "lay by" to-day to give them rest and grass, after the long journey of about fifteen hundred miles which they have made from Fort Smith; they require much care and attention, and it causes more delay than is agreeable; but there is no alternative.

October 1.—This has been a most fatiguing day to me, as I have been suffering for the last five days with an attack of dysentery; it has reduced me to such a weak state that I am obliged to be carried in a wagon in a lying posture, and every slight jar of the wagon sends the most acute pain through my whole system.

We marched seventeen miles in a course N. 67° E. over a firm high prairie, and are encamped near a pond on the plain. About half-way between this place and our last camp, we discovered a small lake about one mile to the north of our road, where it is thought there will be water at all seasons; it is about three feet deep, covers several acres of ground, and has rushes growing in it. There are also numerous trails made by mustangs leading to it, showing that it is much frequented by them; and as the horse requires water every day, he would not probably stay at a place where it could not be found at all times. This lake I have called "Mustang pond;" and as it is situated about half-way between the sand hills and the laguna, (which is ahead of us,) I conceive it to be very important for travellers. Nine miles from our last camp, there is another large pond about half a mile to the right of the road, and I have driven a stake in the middle of the road opposite to it, with directions written upon it how to find the pond; this is a mile west of the Mustang pond. By keeping this in mind, and remembering that the trails in the vicinity all concentrate at the water, there will be no difficulty in finding it. As our road does not go directly to the pond, and as there is much sameness in the aspect of the prairies upon the Llano Estacado, persons might pass this place without finding the water, unless they follow the directions given above.

October 2.—We marched twenty-three miles to-day in a course N. 72° E., which brought us to the Laguna, or Salt lake. The country has been similar to that of yesterday, over the high rolling table lands of the

Mésa, with no wood except the small mezquite brush. The water in the Laguna is brackish, but there is a small pond south of the road where we are encamped, which, although it is slightly sulphurous, is not unpalatable.

Should travellers come to this place, on their way to New Mexico, in an extremely dry season of the year, I would recommend them to carry from here in their wagons a supply of drinking water sufficient for two days, as this would last them until they reached the sand hills, if, by any accident, they did not discover the Mustang pond.

October 3.—Leaving the Salt lake this morning; our bearing was N. 71° E. for eight miles, where we reached the border of the high plain, and descended an easy slope of about fifty feet to a bench below; here we could see two low bluffs in the direction we were marching, near which our guide informed us we could find a fine spring of water. Fourteen and a half miles' travel over a beautiful road brought us to the spring, which we found flowing from a deep chasm in the limestone rocks into an immense reservoir of some fifty feet in depth.

This appears to have been a favorite place of resort for the Comanches, as there are remains of lodges in every direction; indeed, our Comanche guide tells me that he has often been here before, and that there was a battle fought here some years since between the Pawnees and Comanches, in which his brother was killed. He also informs me that there is a good wagon route from here to the Rio Pecos, striking it some seventy miles lower down than where we crossed, keeping entirely to the south of the Llano Estacado, and crossing the head branches of the Colorado.

There is a Comanche trail leading over this route, and it would, undoubtedly, be the best between this point and Chihuahua, as it is nearer than the one we have travelled, with no sand upon it and an abundance of water.

I think by taking the trail at this place and keeping the crest of the Llano Estacado on the right, one would have no difficulty in getting through to the plains at the Chihuahua crossing.

The mezquite trees are becoming larger as we descend from the high plain, and the soil better; several fossil shells of the muscle species were found here.

October 4.—We left the "Big Spring" to-day at one o'clock p. m., and travelled 12½ mile in course N. 43° E. to a spring in a beautiful timbered valley, with excellent grass. The spring is in the limestone rocks to the south of the road, and furnishes a good supply of water. It is a tributary of the Concho. We have passed over a rolling country to-day, covered with mezquite trees.

October 5.—Our course to-day was N. 47° 28' E., over a rolling and rather broken country, of good soil, and covered on each side with large mezquite trees.

After marching 11½ miles we encamped in an extensive bottom or flat, through which there is good water standing in pools along the bed of the stream, and a great abundance of the finest mezquite grass. Manuel, our Comanche guide, leaves us at this place, and returns alone through a wild Indian country, some six hundred miles, to his home at San Miguel. He strikes directly across the "Llano Estacado" to "Bosque Redondo," on the Rio Pecos, over the route which has been spoken of before as

passable for wagons. He expects to make the journey in fourteen days, and has no fear but what he shall reach home in safety. I have found him a man of much more than ordinary judgment and character; and should it ever become necessary to make an examination of the route from here to the Bosque Redondo, and thence to Joya de Cibaletta, I would have no hesitation in recommending him as the best guide that can be found in New Mexico.

October 6.—For about eleven miles after leaving camp this morning, our road passed over a perfectly flat prairie, covered with short buffalo grass, and through a continuous dog town almost the entire distance. We then struck into a creek bottom, crossed and followed down about three miles to its junction with a large stream, which is the main Red Fork of the Colorado, or, according to the Comanche nomenclature, the Pash-a-ho-no. We found this a stream of twenty yards in width, six inches deep, and running rapidly over a rocky bed; the water has a red tinge, and is slightly saline. The banks are bold and rocky, and I should imagine this to be the character of it to its source in the "Llano Estacado." This is the first tributary of the north branch of the Colorado that we have crossed. The main Rio Colorado has, near its head, two principal tributaries—the Concho and the Red Fork; all others are affluents of these two.

The country through which we are passing now is becoming much more interesting than it has been; there is some timber and streams of running water. Our camp is in a grove of mezquite and wild china trees upon the bank of a creek running into the Pash-a-ho-no.

We have seen wild turkeys upon this creek—the first since leaving the Rio Grande. Quails and meadow larks are common everywhere upon our route.

October 7.—Lieutenant Harrison started out after dinner to-day to examine a ravine two miles from here, and, as he has not returned, I think he must have wandered further than he intended, and has not been able to reach camp before dark. I have had our cannon fired, and if he is within twenty miles of us he will be likely to hear it, as the atmosphere is perfectly still and clear. Should he not return before to-morrow morning I shall send out parties to search for him; but, as he is a good woodsman, I am in hopes he will find his way to camp alone.

We remained in camp to rest our men and animals, intending to resume our march to-morrow.

October 8.—This has been a most melancholy day to us. As Mr. Harrison did not return during last night, I concluded that he might have become lost upon the prairies, and at daylight this morning I had another gun fired, in order that, if within hearing, he might take the direction and return to camp. I also sent out Lieutenant Updegraff and Beaver to take the track of his horse, follow it to the ravine, and, if possible, find out where he had gone; besides sending several parties of dragoons in different directions in search of him. In the course of two hours Lieutenant Updegraff returned, and stated that he had followed the track about one mile and a half beyond the ravine, where it appeared Lieutenant Harrison had been met by a party of Indians, and gone off with them in a southern direction. I immediately ordered Lieutenant Sackett to take all our mounted force, get upon the trail of the Indians, and follow them until he overtook them and recovered Lieutenant H.

Ex.—14

Lieutenant Sackett followed the track about two miles from where he was met by the Indians, to a small branch of the Colorado, where, to his horror and astonishment, he suddenly came upon the murdered and mangled corpse of poor Lieutenant Harrison, lying down among the rocks, where they had thrown him, scalped, and stripped of all his clothing. The Indians had then struck out upon the prairie, and set off at full speed.

These facts having been reported to me, I despatched a wagon for the body, had it brought to our new camp, (three miles from that of last night,) and am preparing a box, in which I hope to take it to Fort Washita.

As it was late in the day before we got the corpse to camp, and as it was impossible to follow the trail after night, I directed Lieutenant Sackett to postpone his departure until early to-morrow morning. They have already had sufficient time to get a long distance from us, and, as our horses are mostly jaded and poor, I have not much expectation of his overtaking the murderers, unless they have gone to an encampment where there are women and children; but, from the course they have travelled, and their manner of encamping, Beaver thinks it probable that he may be able to form a very correct idea as to the part of the country they are making for, and perhaps tell to what tribe they belong.

There are several circumstances which have led me to believe that the act has been committed by a party of Kioways. There has been a large band of them lurking about the head of the Rio Concho during the whole summer, committing depredations upon the inhabitants of the State of Chihuahua; and it is but a short time since they stole several horses from an emigrating party from Louisiana upon this same stream.

The emigrants followed them, but, on overtaking them and not finding their animals, determined to keep them prisoners until they were returned. This resulted in an encounter, in which several of the Indians were killed, and among them their chief. Besides this, I heard of two other instances where Indians of this same tribe have committed depredations upon emigrants on the northern routes to New Mexico.

It has occurred to me that a remnant of the band upon the Concho may have been following us to get revenge for the loss of their chief. If so, they have taken most ample compensation; for a better young officer, or a more courteous, amiable, and refined gentleman, never lived. He was universally beloved by all who knew him: his kindness of heart and gentleness of disposition were remarked by every one.

When the melancholy news reached us that he had been murdered, there was such an expression of gloom cast over the command as I have never witnessed before. Old soldiers who had often seen their comrades falling by their sides in battle, and whose hearts, it might be supposed, were steelled against the manifestation of what some might consider weakness, were seen to turn away their faces to conceal their tears. They knew that in his death they lost a good friend.

October 9.—After starting Lieutenant Sackett, with all our mounted force, in pursuit of the murderers, I moved forward, this morning, over a fine rolling country of prairies and timber, with good soil, and in many places well watered. At eleven miles we passed a pond in which there will be good water at all seasons. At nine miles from this we struck the

first affluent of the Brazos, (a tributary of Clear Fork,) running north. All the branches of the Colorado upon our route run south.

Our camp is upon the creek, where we have good grass and mezquite wood.

Lieutenant Sackett, with his command, returned about 10 o'clock this evening, and reports that he took the trail of the Indians, and followed it for a few miles, when he came to a spot where they had made a fire, cooked meat, and departed in great haste, after night, leaving a pair of new moccasins, a lariat, and a saddle, from which we infer that they did not know we were so near, were alarmed at hearing our gun, and left immediately. Their course from here was almost due north for fifteen miles, (the distance he followed them.)

Finding that some of his horses were failing, one giving out entirely, and the Indians far ahead upon fresh animals, he reluctantly abandoned the pursuit, and returned to camp.

Beaver pronounces the saddle and moccasins the same kind as those used by the Kioways; and, as their permanent abiding place is nearly opposite the Antelope buttes between the Canadian and Arkansas, the bearing of the trail would lead there. These are additional evidences of the correctness of my first suspicions.

It is well known, furthermore, that these Indians are a most deceitful and treacherous race: even the Comanches will not trust them. Lieutenant Harrison has always, in the goodness of his heart, had great confidence in the effect of kind and hospitable treatment towards the Indians, in order to secure their good will; and has often been heard to remark that, should he meet with a party of Indians when alone on the prairies, he would approach and greet them cordially. He was well armed and mounted; and it is thought that, if he had made the attempt, he might possibly have reached camp unharmed.

October 10.—Our road to-day passed over a very level plain, mostly covered with mezquite wood, until we reached this place. Our course has been N. 62° 28' E.; and the distance travelled thirteen miles.

We are encamped upon the same stream that we left this morning, and have good water standing in large pools where our road crosses. About four hundred yards below, however, there are salt springs running into the creek, which renders it nauseous and unfit for use.

We passed over some gypsum rock to-day, near a small creek, and hence we found the water bitter and unpalatable, as it has always been when we have met with that mineral.

October 11.—Leaving camp early this morning, we marched about two miles, when we struck a piece of sandy road three miles in extent; but, we passed over it without difficulty, and had a most capital road from there to our camp.

There have been two low bald mountains in sight, about ten miles to the north, nearly all day, which are good landmarks. They are upon the head of the Double Mountain fork of the Brazos, and give it its name. We have been travelling through groves of mezquite timber, with a beautiful carpet of rich grama grass underneath, nearly all day.

There has not been so much water upon our road as usual to-day. We, however, passed one pond, where we obtained sufficient to water our animals. At our camp, we are upon the head of a creek which is slightly

brackish, but is drinkable, and our animals appear to be more fond of it than of sweet water. We have seen several fresh Indian trails to-day, and they have been telegraphing with their signal-fires in several different directions. One was about twenty five miles to the northeast of us, in the mountains opposite the main Brazos, and another in our rear. This is a method by which they communicate to each other intelligence of the approach of strangers, and various other facts known to themselves.

October 12.—Our course to-day has been north 55° east, and our road passing over a rolling prairie, with but little timber for the first seven miles, when we came upon the high banks of the Double Mountain fork of the Brazos, or "Tock-an-ho no," as the Comanches call it. Where we struck the stream it was fifty yards wide, twelve in depth, and very rapid, with a rocky bed at one place, but generally quicksand. We did not cross, but continued to the south, crossing a spring branch, and passing over as beautiful a country for eight miles as I ever beheld. It was a perfectly level grassy glade, and covered with a growth of large mezquite trees at uniform distances, standing with great regularity, and presenting more the appearance of an immense peach orchard than a wilderness. The grass was of the short buffalo variety, and as uniform and even as new mown meadow; and the soil equally as rich, and very similar to that in the Red river bottoms. This, together with the fact of its being well watered with small spring brooks, gives it all the requisites for making beautiful plantations that the most fastidious amateur in agriculture could desire. We encamped on a creek to the south of the road.

October 13.—It has been threatening rain for the last four days; and this morning, as we had everything in readiness for marching, it commenced, and continued all day, accompanied by a cold north wind. We made nine miles over a very beautiful country, covered with mezquite trees, and intersected with numerous small spring rivulets, tributaries of the Double Mountain fork of the Brazos.

We encamped on one of these, and had much difficulty in making a fire, as everything had been saturated with water. Our road has been heavy, and the cold "norther" has had an effect upon our animals which I did not anticipate; many of them failed before we reached camp. five gave out entirely, could not be got in, and died during the day. Three more have already died since we reached camp, and I very much fear, if the storm does not abate, we shall lose many more before morning. They are principally Mexican mules, raised in a warm climate, and could not (in the low state of flesh they are now in) stand cold rains.

October 14.—We have had during last night one of the most terrific storms I have ever witnessed in the whole course of my life. The wind blew a perfect tempest from the north, and it appeared as if the whole flood-gates of the heavens were suddenly opened, and the accumulated rains of a year poured out in torrents for fifteen consecutive hours upon us. The whole surface of the earth was deluged; even upon the tops of the hills there were three inches of water, and it filled every ravine and hole about us. The creek upon which we are encamped had but very little water in it last night: it is now full to the top of its banks, and would float a steamboat.

Our poor mules have suffered severely from the effects of the storm, and twenty-five have perished. I trust, however, that the violence of the storm

has passed, and that we shall be enabled, with care, to preserve the remainder. I have had several of our wagon covers cut up, and made blankets to cover the weakest of them. We cannot move from here until the creeks run down, and our animals recover some strength, as at present many of them are but barely able to walk.

We have now remaining twenty days' rations, which would have been more than sufficient to serve us to Fort Washita; but the storm has placed me in a situation which could not have been anticipated, and I have reduced the allowance of flour one third, to provide against any further contingencies.

Previous to the storm, we were moving along finely at the rate of about sixteen miles per day, and our mules were doing as well as could be expected; but the loss of thirty-three in one night has placed a very serious obstacle upon our movements, and I am obliged to leave a part of our wagons, reduce the amount of our baggage as much as possible, and endeavor to get on with what we cannot dispense with, after the ground becomes a little settled.

I have felt the most lively anxiety for our mules from the commencement of the journey, knowing that our progress depended entirely upon them, and have therefore required the teamsters to pay the most unremitting attention to them; but it appears that they cannot endure one of these bleak northers upon the prairies.

Our oxen did not suffer in the least from the storm, and some of them belonging to our suiler, that were very lean when we left Dona Ana, and have hauled very heavy loads the entire journey around from Fort Smith, have been improving for the last month, while our mules, with lighter work, have been falling off. I am decidedly of the opinion, after the experience I have had with different kinds of cattle, that oxen make better teams for prairie travelling than either mules or horses. In the very warmest weather of summer, over sandy roads where there is but little water, mules are preferable, but under any other circumstances I should prefer oxen. They will travel from 20 to 25 miles from day to day over good roads with perfect ease; and there is no danger of their being stolen by the Indians. In hot weather they should be driven morning and evening, and allowed to stop during the middle of the day.

October 15.—We remained in camp to-day awaiting the termination of the storm, and giving our animals time to recover a little from the effects of it. As we lost no more last night, we hope to be able to preserve those that we have left. The cold wind continues to blow from the north, with intervals of rain, but I think the storm is nearly over; and as soon as the creeks (which are now swimming) run down, I shall endeavor to go on. I reduced the flour part of the ration one third yesterday, and as the men see the necessity of it, they submit to it cheerfully. Indeed, they have upon all occasions performed their arduous duties with the utmost alacrity and good will, and upon the whole of our long march of some seventeen hundred miles I have seldom had occasion to reprove one of them.

October 16.—This has been a day of general drying, and clearing our wagons of all articles that could conveniently be dispensed with upon our march. I have taken five of our oldest wagons to pieces, and placed them in a low place near the creek on the south side of the road. I have also had other surplus articles boxed up and buried about fifty yards from

the road, and a large fire made over the spot, with directions written upon a tree to the right where these articles may be found.

The storm has passed, and we have a bright, warm day, with a south wind. If this continues I shall move ahead to-morrow to the next creek, about four miles from here.

October 17.—We made a start this morning, and marched four miles to another small creek, which we found too high to cross, and encamped upon the west bank. This creek unites with the one we left this morning, and runs into the Clear Fork of the "Brazos."

The country continues of the same character as before, gently undulating, smooth, and well situated for farms. We pass from one creek to another every three or four miles over high and dry mezquite openings, which slope very gently towards the creek bottoms on each side, and the soil cannot be surpassed. There is no part of it that cannot be made available for cultivation. We find upon this creek mulberry, elm, hackberry, wild china, and oak.

October 18.—We crossed the creek this morning, and after travelling two miles in an east course, struck another, which we found still too high to cross, and were obliged to encamp on the west side to await the fall of the water. We have seen signal-fires at several points to-day, showing that Indians are about us.

October 19.—Last night was one of the coldest I have ever known at this season of the year. About dark the wind turned to the north, bringing clouds and rain, and this morning the surface of the ground is covered with snow. Our mules fortunately found cover in the timber on the creek, and did not suffer so much as we were fearful they would. Much to our surprise and delight we found the creek had fallen six feet during the night, and was now fordable. We crossed after digging down the banks, and marched four and a half miles in a course $1^{\circ} 30'$ south of east, when we reached another creek tributary to the "Qua qua ho no," or Clear Fork of Brazos; we crossed it, and encamped on the east bank. There are several kinds of hard timber upon this creek, with fine grass. All these small streams have buffalo, cat, and several other kinds of fish in them. We have seen fresh Indian signs to day, but as yet none have shown themselves.

October 20.—We travelled to-day over a very beautiful succession of ridges and valleys between clear running brooks, skirted with a variety of different kinds of timber for ten miles, in a direction N. $70^{\circ} 20'$ E., when we came to the hills which border the valley of the Qua qua ho no, a branch of the Clear Fork of Brazos.

I was about three miles in advance of the train, with Beaver and three others, when we discovered five Indians coming towards us, driving pack horses. As soon as they saw us they changed their course, and appeared afraid to come near. I sent Beaver out alone to meet them, and to invite them to approach. Instead of going directly where they were, he went to an eminence to the right, where they could see him distinctly, and beckoned to them with his left hand to come to him, at the same time placing his right hand in token of friendship. After repeating this pantomime several times, with great formality and precision, one of the Indians galloped towards him until he reached within two hundred yards, when he halted and went through the same gestures as Beaver had done; after this they approached and embraced, when questions were asked by each

as to who the other was, where they were going, &c., &c. They were a party of Comanches, and stated that their village was but a short distance off on the bank of the "Qua-qua-ho-no." After remaining but a few minutes with us, they rode off again at full speed towards their camp, and in a short time parties were seen coming towards us from all directions. As our train had reached us I made a halt, and we soon had several hundred men, women, and children around us. I permitted them to approach, as I knew they would commit no depredations while their families were with them.

They had been with us but a short time, when we saw another large party approaching, which Beaver instantly pronounced to be his friends the Kickapoos—and this proved correct. They numbered one hundred warriors—fine, dashing looking young fellows—all well mounted, and armed with good rifles, upon some of which we saw the familiar names of "Darranger" and "Tryon," "Philadelphia, makers." They had their families with them, and were going to pass the winter in hunting upon the Colorado, where they expected to find game abundant. They had a very large number of horses and mules, to transport their provisions and baggage, and were in every respect well fitted out for their hunt. The name of their chief was "Pa-pe-qua na," a good-looking old man, who said he had always been a friend to the whites.

Among the Comanches were several chiefs and captains; who, after the usual prelude of expressing their entire devotion to the American people, showed me letters from various persons who had passed through their country, requesting the whites to treat the bearers kindly. Among them I remember the names Se-na-co, Pe-a-te-quash, and Was-se-na-ha. Se-na-co was a dignified, fine-looking old man, and showed me numerous testimonials of his friendship and good will towards the whites. Among others, he had letters from Major Neighbors, the Comanche agent, Colonel Montgomery and Major Gates, of the army, all giving him a good character. He kept these with great care, and appeared to regard them as of much importance. He is principal "war chief" of the southern Comanches, and appears to be sincere in his professions of friendship for us.

While the Kickapoos remained with us, I inquired of them if they had heard anything said among the Comanches relative to the murder of Lieutenant Harrison. They had not, but were of the opinion that the act was committed by the Kioways; and the chief promised to make diligent search among all the Indians he met, for the horse and other articles that were taken at the time. These were minutely described to him, and he felt confident he should be able to learn everything connected with it before his return home to the Creek nation, in the spring, and promised to report his discoveries to the commanding officer at Fort Washita.

These Indians are brave warriors, good shots, and prepared to meet any of the prairie tribes, either in peace or war. They carry out goods on their hunts, which they exchange for mules, and drive them to the settlements in the spring; thus they form a commercial communicating medium between the white traders and the wild Indians, and drive a profitable trade, while they indulge in their favorite amusement, the chase.

After I had made the chiefs a present of some tobacco, I invited Se-na-co and his suite, eight in all, to our camp for the night. He appeared much

gratified with his reception, and, when he parted from us, shook me warmly by the hand, saying that "he was not a Comanche, but an American;" and, as I could not be outdone in politeness by a wild Indian, I returned the compliment by telling him that I was soul and body a Comanche, and that there was not a drop of Anglo-Saxon blood in my veins; all of which was no doubt duly understood and appreciated.

The Qua qua-ho-no, upon which we are encamped, unites with the Clear Fork of the Brazos about two miles below here. It is forty yards wide, two feet deep, and runs rapidly over a gravelly bottom. It is shut in on both sides by ranges of hills about two hundred feet high, between which the creek flows through a most beautiful and picturesque valley two miles wide, of fine rich soil, intersected at every few hundred yards by rapid spring rivulets, affluents of the main stream. This is and has been for many years a favorite place of resort for the Comanches.

The valley being covered with several kinds of grass that remains green during the winter, they come here in autumn, graze and fatten their horses, and are ready for the buffalo on their winter migration to this region. We found the first pecan timber here that we have seen since we left the Creek nation.

October 21.—We crossed the creek this morning and passed out of the valley of the Qua-qua-ho-no through a ravine which winds by a very gentle and almost imperceptible grade to the top of the plain, crossing several small branches before we reached our present camp, seven miles from the last.

We are upon a clear spring branch fifteen feet wide, abounding with fish. Our poor mules are so much reduced that I am obliged to husband their strength with great care in order to get along at all. I therefore make short marches, to give them ample time to rest and eat. The mezquite wood and grass continue very abundant, and we occasionally see the grama grass.

The principal rocks for the last four days have been sandstone of different kinds, some dark and highly impregnated with iron, and having the appearance of volcanic productions; others in very thin slabs or plates and of an exceedingly fine texture, the fracture resembling that of a bone. I observed this evening a variety of the thistle which is new to me; it has a stock of about three feet in height, with a most gorgeous and beautiful blossom of a deep royal purple color. It has something the shape and appearance of the passion flower.

October 22.—At three miles from our last camp we crossed a large spring branch twenty feet wide, which runs into the Clear Fork of Brazos. Our road from there was over a smooth, undulating country, abounding with small streams and covered with mezquite timber; after travelling nine miles and three-fourths, we encamped upon another small tributary of the Clear Fork of Brazos. The weather begins to be warm and clear, and our mules are improving.

October 23.—Our course to-day has been N. 68° 8' E., over beautiful fertile ridges and valleys, covered with live-oak, post-oak, and mezquite timber for nine miles, when we struck a rapid stream of clear water about twenty feet wide and eight inches in depth, with high banks skirted with a variety of large timber, such as live oak, wild china, elm, hackberry, and cotton-wood. The valley, which is a mile wide, has a most luxuri-

ant grass and other vegetation, indicating the best quality of soil. There are bluffs about fifty feet high bordering the valley, and these are covered with groves of post-oak. The stream runs to the east of the Clear Fork into the main Brazos. About thirty miles north of our camp there is a sharp mound visible from the hills about here, and Beaver tells me that directly at the foot of this mound runs the Big Wichita, one of the principal tributaries to Red river, and that thirty miles in a northwest course from that mound the Red river forks: one branch, coming in from the west, is called Ke-che a qua-ho-no, or "Prairie-dog Town river," from the circumstance of there being a round mound upon the stream which has a prairie dog town on the top of it. This branch rises in the Llano Estacado. The other or northern branch is the principal stream, which rises in the Salt plains near the head of Dry river.

October 24.—After marching 6 7-10th miles this morning, we came upon the bluffs which border the valley of the main branch of the Rio Brazos; we descended about fifty feet by an easy slope into the valley and struck the river at a place where it was fordable. It was a much larger stream than I had anticipated, being 200 yards from bank to bank, with a current of about four miles an hour, and three feet deep in the channel at this time, (when the water is at a medium stage.) Judging from the "drift," it does not appear to be subject to a rise of more than five feet above its present depth, and does not overflow its banks. The bed is red sand, which becomes soft quicksand during a rise or fall, and is then difficult to ford. It was falling rapidly when we reached it, and we were obliged to take off our mules, drive them across, and pull over the wagons with ropes, the men taking the water for each wagon. This stream rises in the salt plains of the Llano Estacado, some hundred and fifty miles west of here, and I am told runs through a rough, broken country for a great portion of the distance; indeed the mountains along its borders were frequently pointed out to me by our guide along our route west of here. The water is brackish and unfit for use; there are, however, small streams running into the river so frequently that fresh water can be found at almost every place where it is required. The valley of the Brazos is (where we crossed) three miles wide, elevated about eight feet above the water in the river, and skirted on each side with a range of hills, from fifty to two hundred feet high, covered with timber. The soil in the valley upon the west side is rather sandy, but on the east side it is good. The adjacent country upon both sides is very fertile. Should our government at any future time decide upon establishing a military post as far west of the frontier settlements of Texas as this, I am of the opinion that near this place would be the best that could be selected, for the following reasons: The Rio Brazos runs through a country much frequented by all southern prairie tribes of Indians east of the Pecos. Upon the south and west side range that numerous and powerful tribe the Comanches; also the Kioways, Lepans, and Tonkeways. Upon the north and east side are found the Wichitas, Caddos, Wacos, and those other small tribes which inhabit the country between the Washita and Red river. The Brazos forms the boundary between the Comanches and the tribes living east of it, and the latter are not suffered by the Comanches to hunt upon the west side of this river. A military post established here would therefore be in close proximity to all of these tribes, and

would unquestionably have the effect in a great measure to put a stop to the depredations which they commit upon the frontier settlements of Texas. From all I can learn, there is a very superior tract of country between here and the extreme western settlements in Texas. This would be occupied in a short time, if farmers could have the protection which a garrison at this place would afford. As this is nearly on a continuation of the line dividing the waters of Red river from those that run south into the Brazos, Trinity, and Sabine, and as the geography of the country would point out this ridge as being the most favorable location for a road, it would strike the Brazos at this place. There is oak building-timber and stone in abundance in this vicinity. The grass remains green during the entire winter, and animals thrive and fatten without any other food. The climate is mild and salubrious, the atmosphere dry, and pure, and cannot prove otherwise than healthy. These, with other local advantages, such as pure water, rich soil, good fuel, &c., make this the most favorable point for a military post I have seen. We encamped to-night upon a small branch running through the Brazos valley, about two miles east of where we crossed.

October 25.—We passed up a ravine by a very gradual and easy ascent to the plain on the east side of the Brazos, and taking a course N. 65° 50' E., travelled over rolling mezquite and post-oak openings, with occasional prairies, for twelve and a half miles, where we encamped on a small affluent of the Brazos.

The soil on this side of the river is different from that on the west side, being a mixture of reddish clay and sandy loam; it is, however, equally as fertile, and produces a luxuriant vegetation. We have passed several ledges of dark hard sandstone to-day, which would make good building material.

October 26.—Leaving the creek this morning, we passed up through a grove of heavy post oak and black-jack (the latter a species of oak) of about four miles in width. This is upon a ridge which divides the Brazos from the west fork of the Trinity river. Continuing on in a direction north 45° 28' east, over smooth ground, we made 13 $\frac{1}{4}$ miles, and encamped on a small running stream (ten feet wide) which our guide calls the head of the main west fork of Trinity. It is fringed with a narrow strip of large oaks and other hard timber, suitable for buildings and rails, and flows through a valley about a mile in width, of good soil, (a rich sandy loam,) which is in every respect well adapted for farming.

There is grass in this valley which grows to the height of six or eight feet, with a round jointed stock, and a head upon the top filled with seed which our animals eat eagerly, and I think must be very nutritious.

The timber increases in size and quantity as we advance. We are now passing through groves of oak, and do not find so much mezquite timber as we did on the other side of the Brazos. The grass has also changed from the grama to the mezquite variety. Upon the last hundred miles of our route we have seen but little game, as we have been in the vicinity of Indians who are constantly hunting and drive it off; but now we are coming where the Indians seldom hunt, and the game is more abundant. Two deer and three turkeys were brought into camp this evening, and we have seen the first grouse to-day since leaving the vicinity of Chouteau's trading-house, on the Canadian. These birds ap-

pear to stay near the settlements, as we have seen none upon our whole march at any other place.

October 27.—We passed out of the valley this morning; and, after travelling three miles, struck upon the ridge dividing the Red river from the Trinity. Here we found a fine smooth road, and travelled $14\frac{1}{2}$ miles in a direction north $65^{\circ} 15'$ east, encamping upon a small branch of the west fork of the Trinity.

The road upon the "Divide" crosses the heads of numerous creeks, running into the Trinity on the south and the Little Wichita on the north, and upon nearly all of them there is a great abundance of timber and good soils. Between the tributaries of the Trinity (which occur every two or three miles) there are ridges of rolling prairie, covered with luxuriant grass. The western border of the Upper Cross Timbers has been in sight to the south all day.

October 28.—Our road has continued near the crest of the Divide all day, sometimes crossing the head of an affluent of the Little Wichita, and at others a branch of the Trinity. Our average course has been north $74^{\circ} 32'$ east, and we travelled $13\frac{1}{4}$ miles. We are encamped in a rich bottom between two small spring brooks, and have fine grass and wood.

We passed through a dense grove of oak to-day of four miles in width, and have seen many more on both sides of our road.

When we arrived, we found there had been a large number of Indians encamped here about five days since, and Beaver, with his usual sagacity, immediately pronounced it at Kickapoo camp. Having a curiosity to learn how he arrived at this conclusion, I asked him what he had seen to indicate that this was an encampment of that particular tribe? This led to a conversation, in which he instructed me how, on seeing an old Indian camp, to determine at once what particular tribe had occupied it.

The Comanches make their lodges by placing poles on the ground in a circle, and tying the tops together, thus forming a frame-work of a conical shape, which they cover with buffalo hides.

The Wichitas makes their lodges in the same manner, but do not unite the poles at the top, leaving an opening at the top for the smoke to pass out. This, when covered, forms the frustrum of a cone.

The Kickapoos place the poles in a circle like the Comanches; but, instead of bringing them to a point at the top, they bend them so as to unite in an arch with those of the opposite side: the lodge is thus round upon the top.

The Delawares and Shawnees carry tents, and leave the poles standing wherever they encamp.

The Cherokees have tents also, but make their fires different from the Delawares: they place the wood in the fire with the sticks parallel, and burn from one end, pushing it into the fire as it burns away; whereas the others place each stick pointing to the centre of the fire, like the spokes of a wheel.

These facts, although simple and apparently of little importance in themselves, might be of great service to a traveller upon the prairies, as it would enable him, should he find a camp that had been recently deserted, to tell whether it had been occupied by friendly or hostile Indians;

and, if they should be enemies, by observing the trail they had made on leaving, he would know what direction to take to avoid them.

October 29.—Our road continued upon the Divide in a course N. 82° E., until we encamped upon a small creek running into Red river, twelve and a half miles from our last camp. Our present position is nearly due south from the junction of the Little Wichita with Red river. We have been passing near the borders of the "Upper Cross Timbers" all day, and gradually approaching them until we are within a mile. We have seen but little mezquite timber to-day, and the mezquite and grama grasses have almost entirely disappeared; but we find the other kinds of prairie grass in abundance.

October 30.—We entered the "Cross Timbers" this morning, and passed on the north side of the "Divide," crossing the heads of the Red river affluents every mile or two to our camp. We are upon a clear creek, about fifteen feet wide, running rapidly towards Red river through a beautiful bottom of prairie and timber interspersed. The "Cross Timbers" have thus far been principally post oak and black-jack, with many small glades or prairies through them, and abundantly watered with clear streams. A mile from our last camp we struck a fresh wagon trail which followed the Divide, and was upon our course; we have therefore continued in it. This is the first indication of civilization that we have seen upon our route since we left Dona Ana, and it looks as if we were approaching near the settlement. Game is becoming more abundant as we advance east. Beaver and myself have seen several fresh bear tracks to-day, and each killed a deer; we have as yet, however, seen no bears.

October 31.—We passed through the "Upper Cross Timbers" to-day and encamped upon an affluent of the Trinity, eleven miles from our last camp. We found the Divide somewhat circuitous, but were obliged to follow it in consequence of the numerous creeks running off on each side. The soil through the Timbers is more sandy than it has been further west, but there are many small glades where the soil is good and well adapted to agriculture. The formation is (upon the Trinity waters) principally limestone. The game continues abundant, and Beaver and myself have each killed another deer to-day. Our camp is on the prairie, about two miles from the Timbers, to the south of the road.

November 1.—Still keeping the Divide, we marched thirteen miles and three-quarters to-day, and encamped to the right of the road upon a branch of the Middle or Elm fork of the Trinity. After we had travelled four miles this morning, we found that the wagon we had been following for several days turned down off the Divide towards the settlements on the west side of Elm fork; but as this course was too much south for us, I kept the high prairie Divide, and two miles from our camp it approached in sight of and very near the valley of Red river.

November 2.—Our road along the Divide has been of a similar character to-day that of yesterday, and runs nearly parallel to the Elm fork, until it comes opposite Fitzhugh's Station; here it bears more to the east. The extreme frontier settlement is upon the creek opposite our camp. It is a most charming stream, about forty yards wide, and one foot deep, of pure spring water, and a great abundance, of the best timber of various descriptions upon its banks, such as white oak, bur oak, hickory ash, pecan, &c. Outside of the Timber upon the creek the prairie is rich and produces abundant crops. I think it one of the most beautiful locations for

farmers that can be found; and as the productiveness of the land has been thoroughly tested, there can be doubt on that score. It is very thinly settled at present, but offers great inducements for others to come. Our position is seven miles and two-tenths from our last camp.

November 3.—We marched sixteen miles to-day upon the Divide, and encamped upon a tributary of the "Elm Fork," in the "Lower Cross Timbers."

November 4.—We continued upon the dividing ridge through the "Lower Cross Timbers" to day, until we intersected a road from Fitzhugh's Station; here we reluctantly left this splendid natural road which we have travelled on from the Brazos, and turned to the left towards Preston, where I determined to cross Red river. After making our day's march, (twelve and a half miles,) I encamped near a plantation, owned by Mr. McCarty, upon the head of the "Big Sandy," an affluent of Red river.

November 5.—We continued on the Preston road for twelve miles and three-fifths, encamping at a small branch of Red river. On the 6th of November we reached Preston, crossed the river in a flat-boat, and encamped in the Chickasaw nation, eight miles from our last camp. On the 7th, after travelling seventeen miles and three-tenths in a direction N. E., we reached Fort Washita; here we remained until the 10th of November. I then ordered the portion of the escort belonging to the Fort Towson command (thirty-seven men) to proceed direct to that post, while Lieutenant Sackett, with the remainder of the escort, was directed to proceed with the train to Fort Smith, intersecting our outward road at the crossing of Gaines's creek, on the south fork of the Canadian.

As we had succeeded in bringing the corpse of Lieutenant Harrison without inconvenience, it was considered desirable that it should be taken on to Fort Smith. I therefore gave directions accordingly, and proceeded in advance of the train to report in person to the general commanding the 7th military department. The road from Fort Washita to Fort Smith was surveyed and measured, in the same manner and with the same instruments as the other part of our road, under the supervision of Lieutenant Sackett, and the bearings and distances from day to day accurately plotted upon the accompanying map. The command with the train left Fort Washita on the 10th of November; arrived at the south fork of the Canadian on the 15th; left here on the morning of the 16th, and reached Fort Smith on the 20th November. The distance from Fort Washita to the south fork of the Canadian is eighty-one miles, and from thence to Fort Smith seventy-six miles. The distance from Dona Ana to Fort Smith, according to our measurement, is 894 miles—only about eighty miles greater than the distance to Santa Fe on our outward route. By a glance at the map it will be seen that our road at a point near the Brazos passes to the south of a direct line to Fort Smith, and at Preston turns to the north again, forming an angle of about 50°. Our guide is of opinion that a good wagon road can be found from the Brazos in very nearly a direct line to Fort Smith, leaving Preston and Fort Washita to the right, and intersecting the Canadian route near the Delaware mountain. If such is the case, it would shorten the road some thirty or forty miles; but as I am obliged to pass Fort Washita to get supplies, I could not examine that route.

The entire distance that the escort has marched since it left Fort Smith is 2,023 miles. The command has generally been very healthy, and no deaths among the enlisted men. With the exception of one man left sick, and three desertions in New Mexico, the strength is the same as when placed under my command.

I shall now close my report with a few general remarks in reference to the country we have passed over, the relative merits of the two routes, and the probability of finding other better lines of communication between the Mississippi river, New Mexico, and California.

In the first place, I beg leave to remark, that before leaving Fort Smith for Santa Fe I had been led into very erroneous notions in regard to the geography of the country lying between the Rio Grande and the heads of the rivers running into the United States and Gulf of Mexico. From the best maps I could find, I was induced to believe that there were extensive ranges of lofty mountains running across the route from El Paso to Fort Smith, which could not be avoided, and that there were large streams in some places, where upon examination none are found; that in other places there were no streams, where indeed there are many. For instance, upon many of the modern and most approved maps, the Rio Pecos, or, as it is improperly termed by some, the Rio Puerco, is laid down as running from north to south nearly parallel to the Rio del Norte, and at a distance of about forty or fifty miles from it, when its course for nearly a hundred miles that we have followed it is but about 25° south of east; and instead of being fifty miles from the Rio del Norte, it is two hundred and four in nearly a direct line. This opinion has been so general, that several parties of emigrants on their way to New Mexico left the Rio Pecos in the morning, expecting to reach the Rio Grande the same night; and some of them falling into a route where there was no water, travelled several days in a westerly direction, suffering greatly, and in some instances perishing before they reached the river. The inhabitants at El Paso in one instance sent out water to the relief of emigrants who were too much exhausted to get it, and who would otherwise have probably died upon the plains.

Disturnell's map of Mexico, &c., upon which the boundary between the United States and Mexico is by the treaty defined, is one of the most inaccurate of all those I have seen, so far as relates to the country over which I have passed. He makes a greater error than most others in laying down the Pecos, and has the Colorado, Brazos, and Red river all inaccurately placed. Upon the Red river he has a very large branch coming from far west, near El Paso, which he calls "Ensenado Choctaw." This is altogether an imaginary stream, as no one who has been in the country ever heard of it; neither does any branch of Red River extend to within three hundred miles of the Rio del Norte. There are but three principal tributaries to Red river above Fort Washita; these are the Big and the Little Wichita and the Ke-che-a qua-ho-no, but neither flows far from towards El Paso. These, with the main branch of Red river and the Brazos, all have their sources in extensive salt plains far east of the Rio Pecos. Their waters are strongly saline and unpalatable, and for a long distance run through a country poorly watered, and bordered by rugged cliffs and deep ravines. Hence it appears to me impracticable to find a road to the Rio Grande which shall follow up the course of either of these

streams. Even if the road could be made to the head of one of them, it would terminate at the eastern border of the Llano Estacado; for no man, as I have remarked before, attempts to cross that desert, except at certain points.

It therefore appears to me, that if a route could be found in nearly a direct line from a desirable point in the United States, which would skirt the border of the plain, and at the same time have sufficient water and wood upon it at all seasons of the year for the traveller's use, that would be the best location for a road, as, in this case, the road would cross the head branches of streams where there would be an abundance of water, and no heavy hills or large rivers to pass. Fortunately, on our return from New Mexico we fell into a route of this description, and had no difficulty in finding an abundant supply of wood, water, and grass upon nearly the whole route.

On leaving the valley of the Rio del Norte, our road passed through a gap or pass in the first chain of mountains in a direction which would have taken me near Fort Smith, but I was obliged here to change our course to avoid the Sacramento chain of mountains lying across our route, as our guide told me there was no practicable pass for wagons through there. I therefore bore south, and crossed the level plain dividing the two ranges to the "Sierra Waco." Our road thus far is but little more elevated than the table lands adjacent to the valley of the Rio Grande. From this point we ascended about two hundred feet through a sinuous valley or cañon of gentle grade to the second bench, at the southern extremity of the Sierra Alto. We then crossed another extensive plain of about eighty miles in width, which brought us to the Sierra Guadalupe: here we encountered the margin of another high plain, which forms the third and highest bench between the Rio Grande and the Rio Pecos, the difference between the summit level at this point and Dona Ana not being over five hundred feet. From this chain of mountains the road descends to the valley of the Pecos, about two hundred feet. Thus, from the Rio Grande to the Pecos, a distance of two hundred and four miles, there are but three hills of any magnitude to ascend in coming east, and those with a little expense could be made as good as any road in our country. From the valley of the Pecos to the sand hills the road ascends probably two hundred feet, but the slope is so uniform that it is hardly perceptible. These hills are near the southern extremity of the great desert of the Llano Estacado, and stand upon the summit of the plain dividing the waters of the Rio Pecos from those that run east and south into the United States.

Our road from here runs across the "Llano Estacado" for seventy-eight miles upon a perfectly level prairie as firm and smooth as marble. It then descends from the high table land about fifty feet into a rolling prairie country, where the Colorado of Texas has its source. Thus far there is but little timber or water upon our route, except at certain points noted upon the map; but these points can be made from day to day with loaded teams. As if, however, in compensation for the absence of other favors, nature, in her wise economy, has adorned the entire face of the country with a luxuriant verdure of different kinds of grama grass, affording the most nutritious sustenance for animals, and rendering it one of the best countries for grazing large flocks and herds that can be conceived of.

Immediately after we descended from the high table lands, we struck upon an entirely different country from the one we had been passing over before. By a reference to the map it will be seen that we kept near the plain upon the head branches of the Colorado and the Clear Fork of the Brazos. Here we found a smooth road over a gently undulating country of prairies and timber, and abounding with numerous clear spring branches for two hundred miles, and in many places covered with large groves of mezquite timber, which makes the very best of fuel. The soil cannot be surpassed for fertility. The grass remains green during the entire winter, and the climate is salubrious and healthy; indeed, it possesses all the requisites that can be desired for making a fine agricultural country, and I venture to predict that at no very distant period it will contain a very dense population. It is only necessary for our practical farmers to see it, and have protection from the incursions of the Indians, to settle it at once.

Soon after crossing the Rio Brazos, our road strikes out upon the high ridge lying between the waters of the Trinity and Red river; and it appears as if nature had formed this expressly for a road, as it runs for a hundred miles through a country which is frequently much broken up upon each side with hills and deep ravines; and the only place where wagons can pass is directly upon the crest of this natural defile. It is as firm and smooth as a turnpike, with no streams of magnitude or other obstructions through the entire distance to near Preston, where we left it and crossed Red river. From Preston to Fort Washita, and thence to our outward route upon Gaines's creek, the road passes through the Chickasaw country, which is rolling, and in many places covered with a great variety of large timber, and well watered, with no mountains or high hills to pass over. Hence you will perceive that from Dona Ana to Fort Smith, a distance of 994 miles, our road passes over smooth and very uniformly level ground, crossing no mountains or deep valleys, and for five hundred miles upon the eastern extremity runs through the heart of a country possessing great natural advantages. I conceive this to be decidedly the best overland wagon route to California for several reasons, among which are the following:

1. I was assured by several of the best guides in New Mexico—among others Messrs. Lereux, Kit Carson, Hatcher, and Thomas—that there was no point upon the Rio Grande north of San Diego from which wagons could pass through the extensive ranges of mountains lying west of that river, and that it would be necessary to take Colonel Cook's route to the head of the Gila. Should emigrants go to Santa Fe, therefore, they have to travel three hundred miles down the river to reach this point, whereas our return route leaves this road almost directly at the place.

2. The roads from Fort Smith and Independence to Santa Fe being over eight hundred miles, and the distance down the Rio Grande three hundred more over a very sandy road, makes these routes longer than the southern route from Fort Smith by two hundred miles.

3. As there is grass upon this route at all seasons of the year, it can be travelled at any time. It is true that the old grama grass dries up early in the spring, but appears to cure like hay, and does not lose its nutritious properties.

4. As San Diego on the Rio Grande, the mouth of the Gila river, and San Diego on the Pacific, are all very nearly upon the same parallel of latitude, (32° 45' 54"), our southern route would form a direct line of communication with Cooke's road from the United States through to the Pacific, and probably shorter by several hundred miles than any other.

There is a difference of thirteen degrees longitude between Fort Smith and Dona Ana, and ten degrees difference between Dona Ana and San Diego, in California. The probable distance, therefore, from Fort Smith through to the Pacific would not be more than about seventeen hundred miles. Emigrants with good cattle, and well supplied with the proper "outfit" for the journey, should go through in four months with ease.

As I have remarked before, I consider oxen to be the best description of cattle for the prairies; and emigrants, before leaving for California, should provide themselves with one or two extra pairs to be ready to supply the places of any which may fail or die upon the road. They should take light, strong wagons, and transport nothing but provisions and such other articles as are absolutely required upon the journey. Their provisions should be secured in small packages, and not suffered to become wet. Each wagon should have a double cover, a water-cask, and extra axle-pole and pair of hounds, before going out into the plains, as after this no timber is to be found suitable for such purposes. They should form parties or companies of from seventy-five to a hundred men each, which would be sufficient for protection, guarding animals, &c. While travelling through the Indian country they should herd their animals, night and day, with the utmost vigilance and care, and never allow them to move from camp without an armed guard.

The best season for emigrants to leave the United States for California, upon the southern road, is about the first of June. There would then be good grass and water to the Rio Grande, and they would reach there about the last of July. This would give them time to stop two or three weeks to graze and recruit their animals, and lay in additional supplies, should they require any, for the remainder of their journey. Flour, corn, vegetables, and beef cattle, as also many articles of merchandise that travellers require—such as clothing, shoes, &c.—can be obtained for moderate prices at Dona Ana or El Paso.

Leaving the Rio Grande about the 1st of August, they would reach the Colorado of California after the annual flood, which occurs in July and August, overflows the banks for several miles on each side, and renders it utterly impassable for wagons; and in this way they would arrive at San Diego during the healthy season.

From all I can learn of the other routes to California, I am induced to believe that, should our government, at any future time, determine upon making a national road of any description across the continent, the southern route we have travelled is eminently worthy of consideration. We find upon none of the northern routes as much water, timber, or rich, fertile soil, as upon this. There are many more mountains to pass over, and during a part of the year they are buried in deep snows.

I have been kindly allowed the perusal of a letter written by an officer of the army (an attentive and experienced observer of nature) who has

Ex. —15

recently passed over that portion of the northern route between Fort Kearny and Fort Laramie, in which he speaks of the country in the following language: "The country between Fort Kearny and Fort Laramie is a vast undulating sandy desert—but little wood or water—totally destitute of interest, and utterly worthless, and must remain so forever: it never can be inhabited to any extent, as there is no soil, and the seasons are too short."

The distance between these two places is three hundred and sixty-four miles. In one place, wood for cooking has to be carried for three consecutive days in wagons, and in several places it is necessary to carry water.

The road from Independence, after passing through a country of poor soil, and very destitute of wood, for a great distance, passes over lofty and rugged mountains, near Santa Fe.

Lieutenant Colonel Emory states that the arable soil upon this road extends to the 99th degree of longitude. Therefore, if a road could be made from the Missouri river to California, it would pass through a very barren country, which could not be settled or improved; whereas one constructed through the country we have passed over from Dona Ana to Fort Smith, with the protection which a chain of military posts along the route would afford, would open a vast tract of beautiful country to the notice of agriculturists, and would be settled in a very short time.

The advantages which this route possesses over others adapt it in a pre-eminent degree to the construction of a railroad. For the reasons I have mentioned, and from all the examination and consideration which I have been able to give the subject, I cannot resist the strength of my own convictions that any experienced and impartial engineer, after a thorough and careful reconnaissance of all the different routes, would at once give this the preference over any other.

From Dona Ana or El Paso to near where we crossed Red river—a distance of 700 miles—there are probably as few difficulties to encounter as upon any other road that can be found in our country. Throughout this entire distance it would not be necessary to make a single tunnel, or to use a stationary engine. There would be but few heavy excavations or embankments; and, for a great portion of the distance, the surface of the earth is so perfectly firm and smooth that it would appear to have been designed by the Great Architect of the Universe for a railroad, and adapted and fitted by nature's handiwork for the reception of the superstructure. There is an abundance of building stone, and an inexhaustible amount of mezquite timber, which, for its durability, is admirably adapted for use as sleepers, and for fuel.

From Red river it could be carried to Fort Smith without difficulty, or to any other point that might be selected. This, united with a railroad from the Rio Grande to the San Diego, would give us a great national highway across our continent from the Atlantic to the Pacific, in a very direct line, and would enable the traveller to pass safely and comfortably over a distance in a week which before required four months of toil, hardship, and danger. It would afford our government a cheap and rapid transit for troops and munitions of war, and would enable us to communicate with our far-distant territories in a few hours.

These considerations, in connexion with the vast and incalculable commercial benefits that the whole civilized world would receive, would ren-

der it a monument to the genius, enterprise, and philanthropy of the American people.

I am, very respectfully, your obedient servant,

R. B. MARCY,

Captain 5th Infantry, commanding escort.

Lieut. F. F. FLINT,

Acting Assistant Adjutant General,

7th Military Department, U. S. Army.

Table of distances

Date.	Place of observation.	Distances by chain in miles.		Average bearing from camp to camp.
		From camp to camp.	Total distance from Dona Ana.	
1849. September 1	Organ mountains	19	19	N. 81° E.
2	Camp No. 2. . .	6 $\frac{1}{8}$	25 $\frac{3}{8}$	S. 53° E.
3	do.....3. . .	18	43 $\frac{3}{8}$	S. 47° 10' E..
4—6	do.....4. . .	19 $\frac{1}{2}$	63 $\frac{1}{8}$	S. 47° E.
6	do.....5. . .	22 $\frac{1}{2}$	85 $\frac{3}{4}$	N. 81° 5' E. . .
7	do.....6. . .	8 $\frac{1}{2}$	94 $\frac{1}{8}$	N. 72° E.
8	do.....7. . .	25 $\frac{1}{2}$	120	S. 83° E.
9	do.....8. . .	23 $\frac{1}{8}$	143 $\frac{1}{8}$	S. 49° E.
10	do.....9. . .	4 $\frac{1}{2}$	147 $\frac{3}{8}$	N. 45° E.
11—13	do.....10. . .	5 $\frac{1}{8}$	152 $\frac{1}{8}$	N. 87° E.
13	do.....11. . .	15 $\frac{3}{8}$	167 $\frac{1}{8}$	S. 85° E.
14	do.....12. . .	11 $\frac{7}{8}$	179 $\frac{1}{2}$	N. 83° E.
15	do.....13. . .	9 $\frac{1}{2}$	188 $\frac{1}{2}$	N. 67° E.
16	do.....14. . .	15 $\frac{1}{8}$	204 $\frac{3}{8}$	S. 64° 30' E..
17	do.....15. . .	11 $\frac{1}{2}$	215 $\frac{1}{2}$	S. 59° 30' E..
18	do.....16. . .	13 $\frac{1}{2}$	228 $\frac{1}{2}$	S. 68° 7' E. . .
19	do.....17. . .	13 $\frac{1}{2}$	242 $\frac{7}{8}$	S. 40° 40' E..
20—22	do.....18. . .	15 $\frac{3}{8}$	257 $\frac{1}{2}$	S. 81° E.
22—24	do.....19. . .	9 $\frac{3}{8}$	267 $\frac{1}{2}$	N. 82° E.
24	do.....20. . .	10	277 $\frac{1}{2}$	N. 25° E.
25—27	do.....21. . .	13 $\frac{7}{8}$	290 $\frac{1}{2}$	N. 25° E.
27	do.....22. . .	4 $\frac{1}{2}$	295 $\frac{3}{8}$	N. 87° E.
28	do.....23. . .	8 $\frac{3}{8}$	303 $\frac{1}{2}$	N. 49° 4' E. . .
29	do.....24. . .	15 $\frac{3}{8}$	318 $\frac{3}{8}$	N. 57° E.
October 1	do.....25. . .	17	335 $\frac{1}{8}$	N. 67° E.
2	do.....26. . .	23	358 $\frac{3}{8}$	N. 72° 22' E..
3	do.....27. . .	22 $\frac{1}{8}$	381 $\frac{1}{2}$	N. 71° E.
4	do.....28. . .	12 $\frac{1}{8}$	393 $\frac{1}{8}$	N. 43° E.
5	do.....29. . .	11 $\frac{1}{2}$	405 $\frac{7}{8}$	N. 47° 28' E..

bearings, &c.

Meteorological observations.		Variations of compass.	Camping places.
Wind.	Weather.		
West.....	Clear and calm..	12° 28'	At springs four miles south of Pass.
West.....	Clear.....		Solado Spring, near Organ mountains.
Southwest..	Cloudy and warm.....		On prairie; no water.
South.....	do.....		At Waco mountains, (tanks.)
East.....	Clear, cool, and strong wind.		Sierra del Alama, (spring.)
East.....	Rain; cold wind.....		Comudas, (deep wells.)
Southwest..	Mild and clear....		Ojo del Cuerbo, (springs.)
South.....	Warm showers..		Peak of Guadalupe, (spring up ravine.)
South.....	Morning clear; evening rain.		Ojo del Camins, (spring in the pine timber.)
North.....	Cool wind; clear.....		Independence spring, near road
East.....	Cool; rain last night.		Ojo de San Martin (spring.)
Southeast..	Mild and clear....		On Delaware creek.
South.....	Cloudy and mild.....		
Southeast..	Clear; warm and strong wind.		At Rio Pecos, (brackish water.)
Southeast..	Cool; cloudy....		Do do
East.....	Cold rain and windy.		Do do
Northeast..	Cloudy and warm.....		Do do
North.....	do.....	11° 8'	Crossing.
Southeast..	Warm; rain.....		Laguna, (brackish water.)
East.....	Rain; mild.....		On prairie, (no water.)
North.....	Cold; rain.....		Sand hills; water to the east, in the hills.)
North.....	do.....		Do do
West.....	Clear and cold ..		Pond.
West.....	Cloudy and cool.....		Pond on Llano Estacado.
Northeast..	Clear and cool; windy.		Do do
East.....	Clear; moderate- ly warm.		Laguna Colorado; water in pond.
Northeast..	do.....do ..		On "Big Spring," to the south.
West.....	Clear; warm....		Spring on the road.
Northwest..	Very windy and cold.		Laguna on the road.

Table of distances,

Date.	Place of observation.	Distances by chain in miles.		Average bearing from camp to camp.
		From camp to camp.	Total distance from Dona Ana.	
1849.				
Oct. 6—8	Camp No. 30. . .	18 $\frac{3}{16}$	423 $\frac{3}{16}$	N. 56° 12' E..
8	do.....31. . .	3	426 $\frac{3}{16}$	E.....
9	do.....32. . .	20 $\frac{3}{8}$	446 $\frac{1}{8}$	N. 67° E.
10	do.....33. . .	13	459 $\frac{1}{8}$	N. 62° 28' E..
11	do.....34. . .	18 $\frac{1}{2}$	478 $\frac{1}{16}$	N. 52° 40' E..
12	do.....35. . .	17 $\frac{1}{16}$	495 $\frac{1}{4}$	N. 55° E.
13—17	do.....36. . .	8 $\frac{1}{2}$	503 $\frac{1}{2}$	N. 78° 20' E..
17	do.....37. . .	4	507 $\frac{1}{2}$	S. 86° E.....
18	do.....38. . .	2	509 $\frac{1}{2}$	S. 88° E.....
19	do.....39. . .	4 $\frac{1}{2}$	514 $\frac{1}{4}$	S. 88° 30' E..
20	do.....40. . .	12 $\frac{1}{2}$	526 $\frac{1}{2}$	N. 70° 20' E..
21	do.....41. . .	7	533 $\frac{1}{2}$	N. 68° E.
22	do.....42. . .	9 $\frac{1}{2}$	543 $\frac{1}{4}$	N. 80° 20' E..
23	do.....43. . .	11 $\frac{1}{2}$	554 $\frac{3}{4}$	N. 68° 8' E..
24	do.....44. . .	6 $\frac{3}{4}$	561 $\frac{1}{8}$	N. 69° E.....
25	do.....45. . .	12 $\frac{1}{2}$	573 $\frac{1}{8}$	N. 65° 50' E..
26	do.....46. . .	13 $\frac{1}{16}$	586 $\frac{1}{16}$	N. 45° 28' E..
27	do.....47. . .	14 $\frac{1}{16}$	601 $\frac{1}{16}$	N. 65° 15' E..
28	do.....48. . .	13 $\frac{3}{8}$	614 $\frac{3}{8}$	N. 74° 32' E..
29	do.....49. . .	12 $\frac{1}{2}$	626 $\frac{1}{2}$	N. 82° E.
30	do.....50. . .	13	639 $\frac{1}{8}$	N. 48° 31' E..
31	do.....51. . .	11	650 $\frac{7}{8}$	S. 79° E.....
November 1	do.....52. . .	13 $\frac{1}{2}$	664 $\frac{1}{8}$	N. 83° 10' E..
2	do.....53. . .	7 $\frac{3}{8}$	671 $\frac{1}{8}$	S. 83° E.....
3	do.....54. . .	14 $\frac{1}{2}$	686 $\frac{1}{8}$	N. 75° 10' E..
4	do.....55. . .	12 $\frac{1}{2}$	698 $\frac{1}{8}$	N. 81° E.....
5	do.....56. . .	12 $\frac{1}{2}$	711 $\frac{1}{8}$	N. 60° 45' E..
6	do.....57. . .	8	719 $\frac{1}{8}$	N. 55° E.....
7—10	do.....58. . .	17 $\frac{7}{8}$	736 $\frac{1}{2}$	N. 3° 20' E..
10	do.....59. . .	8 $\frac{1}{2}$	745 $\frac{1}{2}$	N. 20° E.....
11	do.....60. . .	12 $\frac{1}{2}$	758 $\frac{1}{8}$	N. 53° E.....
12	do.....61. . .	15 $\frac{1}{2}$	773 $\frac{1}{8}$	N. 41° 40' E..
13	do.....62. . .	13	786 $\frac{1}{8}$	N. 19° 25' E..

bearings, &c.—Continued.

Meteorological observations.		Variations of compass.	Camping places.
Wind.	Weather.		
Northwest ..	Cold and cloudy.		Affluent of Pash-a-ho-no.
West	...do.....do ...		Do do
Southwest.	Warm and clear..		Affluent of Brazos.
Northeast ..	Cold and cloudy.		Pash-a-ho-no.
Southwest.	Clear and warm;		Spring, (sulphurous.)
	windy.		
North.	Cold, cloudy, &	10° 40'	Affluent Brazos.
	windy.		
North.	Cold "norther"		Do
	48 hours.		
South	Clear and mild..		Do
South	...do.....do ...		Do
North.	Cold rain and		Do
	snow storm.		
North.	Clear and cold		Qua-gua-he-no (Pecan timber.)
West	Clear; frost du-		Spring Brook (tributary Clear
	ring the night.		Fork.)
North.	Clear and warm.		Do do do
West	...do.....do ...		Do do do
West	...do.....do ...	10° 20'	Rio Brazos.
Southeast ..	...do.....do ...		Affluent of Brazos.
Southeast ..	...do.....do ...		Affluent of Trinity.
Southwest.	Warm and clear.		Affluent of Trinity.
Southwest.	...do.....do ...		Do do
South.	...do.....do ...		Affluent of Little Washita.
Southwest.	Clear and mild..		Do do
South.	...do.....do ...		Affluent of Trinity.
South.	Clear with strong		Affluent of Elm fork of Trinity.
	wind.		
Southwest.	Warm, with do.		Do do do
South	...do.....do ...		Do do do
South	Warm and cloudy		Affluent of Red river.
Southwest.	Cloudy and show-		Do do
	ers.		
West.	Clear and mild..		Do do
† Southeast..	...do.....do ...		Fort Washita.
	Cloudy.....do ...		"Blue" (tributary to Red river.)
	Cold rain all day.		Boggy depot.
	Clear		Little Boggy (affluent of Red
			river.)
	...do.....do ...		Do do do

Table of distances

Date.	Place of observation.	Distances by chain in miles.		Average bearing from camp to camp.
		From camp to camp.	Total distance from Donna Ana.	
1849. Nov. 14	Camp No..63...	17 $\frac{1}{2}$	803 $\frac{1}{2}$	N. 18° 20' E..
15	do. 64...	15	818 $\frac{1}{2}$	N. 30° 40' E..
16	do. 65...	24	842 $\frac{1}{2}$	N. 83° 30' E..
17	do. 66...	15	857 $\frac{1}{2}$	N. 80° 20' E..
18	do. 67...	23	880 $\frac{1}{2}$	N. 81° E.....
19	do. 68...	14	894 $\frac{1}{2}$	N. 34° 30' E..

bearings, &c.—Continued.

Meteorological observations.		Variations of compass.	Camping places.
Wind.	Weather.		
.....	Clear.....	.....	Prior's (affluent of Gaines's creek.)
.....	do.....	.....	South Fork of Canadian.
.....	Rain.....	.....	Cooper's creek.
.....	Clear.....	.....	Coon creek.
.....	do.....	.....	Agency.
.....	do.....	.....	Fort Smith.

REPORT
OF
THE SECRETARY OF WAR,

ENCLOSING

The report of Lieutenant W. H. C. Whiting's reconnaissance of the western frontier of Texas.

JUNE 28, 1850.

Read.

JULY 5, 1850.

Ordered to be printed.

WAR DEPARTMENT, *Washington, June 27, 1850.*

SIR: I have the honor to transmit herewith a communication from Captain Fred. A. Smith, in charge of the Engineer Department, enclosing a copy of the report of the reconnaissance of Lieutenant W. H. C. Whiting, of the Corps of Engineers, of the western frontier of Texas, with a trace of the accompanying map, in reply to a resolution of the Senate of the 25th instant calling for such report.

I am, very respectfully, your obedient servant,
GEO. W. CRAWFORD,
Secretary of War.

Hon. MILLARD FILLMORE,
President of the Senate.

ENGINEER DEPARTMENT, *Washington, June 26, 1850.*

SIR: In compliance with the call of the Senate resolution of the 25th instant, herewith I have the honor to enclose a copy of the reconnaissance of Lieutenant W. H. C. Whiting, of the Corps of Engineers, of the western frontier of Texas, with a trace of the accompanying map.

Very respectfully, sir, your most obedient

FRED. A. SMITH,
Captain Engineers, in charge.

Hon. GEO. W. CRAWFORD,
Secretary of War.

SAN ANTONIO, *March 25, 1850.*

GENERAL: I have the honor to forward a copy of my report to Major General Brooke, upon the frontier of Texas; also, a sketch of the line of posts.

I am, very respectfully, your most obedient servant,
WM. H. C. WHITING,
Lieutenant of Engineers.

Gen. J. G. TOTTEN,
Chief Engineer of the United States.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, Texas, October 1, 1849.

SIR: It being very important that a military reconnaissance should be made of the western frontier of Texas indicated by the chain of posts now established, commencing at the Rio Seco and terminating on the Red river, at the mouth of the False Washita, you have been selected for that duty.

You will be pleased to embrace in your report the general character of the country, the roads to be constructed between the posts, (taking the nearest routes eligible for such roads,) timber and stone for quarters, fuel and water, and the subsistence and forage which the country adjoining the posts can supply—also noticing the amount of population and cultivation, as well as the healthiness of the country.

You will also, after consulting with the officers in command respectively, report on the military sites now established, with the necessary works and buildings applicable to each position, the number of companies in each work, (which must be proportioned to the strength of the tribe in the neighborhood,) with the passes by which the Indians are in the habit of entering the settlements, and those particularized which are the most important. You will make a report of your survey for these headquarters.

On the completion of this duty, you will return to this post, when you will receive similar orders to make a reconnaissance from the Seco to Eagle pass, on the Rio Grande, and to the mouth of that river.

Brevet Major E. B. Babbitt, assistant quartermaster, will furnish you with the necessary outfit, and the commanding officers at the different posts will furnish the proper escorts.

I am, respectfully, your obedient servant,
GEO. M. BROOKE,
Brevet Major General.

Lieut. W. H. C. WHITING,
Corps of Engineers.

True copy.

GEO. DEAS,
Assistant Adjutant General.

SAN ANTONIO, *January 21, 1850.*

MAJOR: In obedience to the instructions of the commanding general in this department, dated October 1, I have the honor to render a report of a reconnaissance of so much of the military frontier of Texas as extends from the mouth of the False Washita, on Red river, to Fort Lincoln, on Rio Seco.

The chain of posts now established reaches, in a direction generally northeast and southwest, from the Rio Grande, at Eagle pass, to Coffee's bend, on Red river—an extent covering a great variety of country. Between ten and twenty miles above the Wool road, and parallel to it, is found the southern slope of a range of rugged hills. This range is the lower limit of the great limestone formation of the northwest prairie; and from its base stretch the beautiful valleys of Las Moras, the Nueces, the Frio, the Medina, and the Guadalupe. Leaving the Medina, it assumes a northeasterly direction, until, passing the Colorado, it is lost in the elevated tables of the Brazos. The country which it bounds is a succession of rolling prairie and gentle slopes, clothed with luxuriant mezquite grass, and studded with groves of live oak and post oak. Watered by numerous creeks, it is one of the most desirable tracts of western Texas, and at no distant time the vicinity of the streams will be settled. To this section the base of the limestone hills will be a permanent frontier. Far to the north and west, the vast prairie presents an unbroken, sterile, and arid plain, destitute of attraction to the squatter. As the settlements are approached, this plain is broken into innumerable ravines, bounded by steep cliffs. Here are to be found the heads of the rivers of southwest Texas. Rising in this broken and difficult region, they break through the hills, forming the noted passes known by their several names. These have long been the resort of the Comanches, Lipans, and Wacos, in their predatory excursions to the lower Rio Grande and the hamlets near San Antonio. Trails are to be found running in many directions through the rich bottoms of the Llano and the San Saba—tributaries to the Colorado.

Northeast of the Guadalupe, in the direction of the line of posts, and beyond the river Pedernales, is found a country greatly different from that just described. The tameness of the limestone scenery is relieved in the rough mountains of the Colorado. The primitive rocks are everywhere met. Sienitic granite, in enormous masses, and of superior quality, and great ledges of red sandstone, through which are protruded quartz, gneiss, and felspatic rocks, form the distinguishing features of this locality. The soil is almost entirely composed of detritus from these rocks; and the indications of valuable minerals are abundant. There are many places in which silver ore is found in considerable quantity. Building stone of the finest quality and of every variety exists in inexhaustable quarries. Otherwise this section is not valuable, and, except the mountain cedar and the wood which shelter the rich and charming valley of the Pedernales to the southward, generally bare of timber. The Colorado, one of the largest rivers of Texas, waters this region. It is generally difficult to ford, and is subject to very extraordinary freshets. The lands of its valley, though confined, are remarkable for rich and productive soil; and the scenery through which the line passes is exceedingly beautiful and various. Upon leaving this river, we leave also the older formations. They gradually give place to beds of marble, and still further on to vast strata of the fossiliferous limestones. Timber begins to be scarce, and is only

found in the river valleys. No country can be better watered, and creeks intersect the plains at short intervals. The remarkable feature of this region is the elevated prairie, with its unbroken horizon. Through this, and at a great depth below its level, flow, in narrow and precipitous cañons, the Lampasas, the Cowhouse, the Leon, and the Bosque—large and rapid streams, with numerous tributaries. All these rivers are of the waters of the Brazos—the dividing ridge between which and the Colorado is very near to the latter. Except in times of high water, little or no impediment exists to travelling in any direction. The steep banks of the rivers require preparation for the passage of wagons; but the Indian is not, as in the lower country, confined to certain routes for water and practicable trails: he can, without difficulty, traverse the country in all directions. Here, then, that local importance of posts with respect to certain passes which obtains in the southwest country is not felt, and their disposition depends altogether upon their *relative distance* apart and the *extent of country* over which their garrisons are competent to operate.

Between the Brazos and the Red river, the same general alternation of prairie and river bottom is met with. The numerous freshets of the streams, overflowing their rich valleys, render their vicinity very unhealthy. This is particularly the case with the Trinity, whose broad lands are often entirely under water. Perhaps the most remarkable features of this section are the two great belts of forest known as the "Cross Timbers." Distant about fifty miles apart, they reach from the Brazos across Red river, and are separated by a prairie entirely destitute of wood. Throughout the lower, the settlements are rapidly increasing. Abounding in game, and containing many tracts of valuable lands, sheltered from the "northers," these belts are important as being a favorite range for many of the Texas Indians, and their usual home in the winter. About fifty miles to the north of the Trinity, in crossing the divide between it and Red river, the northern limit of the great Texas limestones is found, and the Red sandstones of Arkansas commence to appear.

Such is a brief sketch of the most remarkable characteristics of the extensive line of country upon which the troops are placed to operate. Their stations, when the nature of the enemy and of the country is considered, will be found not to depend at all upon local advantages for attack and defence—a matter of great moment in the establishment of positions against a less barbarous enemy. Regarded as starting-points and resting-places for the scouts, whose duty is to restrain and punish Indian depredation, their relative distance becomes the most important consideration. This, however, is *especially* true only of the upper part of the frontier; and as this report is properly confined to that portion, I wish to leave the account of the Seco and its vicinity until I can consider it in connexion with the remainder of the line.

The route between Fort Lincoln and Fort Martin Scott, in nearly a direct line, has generally been supposed impracticable, on account of the numerous rugged cañons which intersect the hills. A careful examination which I commenced from Fredericksburg in the direction of the Bandera pass (and which was finished by Capt. Steele, 2d dragoons) points out a road at least equal to that between San Antonio and Fort Martin Scott. This route, joining the old ranger trail about ten miles northeast of Vandenburg, crosses the Medina, and by the Bandera pass reaches the valley of the Guadalupe; thence, in nearly a straight line, it attains the Peder-

nales valley near the station. This celebrated Indian pass has been known as an Indian road from the earliest history of the Spanish settlements. It has been identified with many a frontier fight and many a hostile inroad. By it the passage from the Guadalupe to the Medina is readily made, and the precipitous cliffs and difficult ravines which separate these rivers on the dividing ridge avoided. It is still used by the Indians. Their towns yet remain on the Guadalupe hard by it; but the establishment of the posts and of the ranging stations has rendered the vicinity unsafe for them. It is an outlet of great importance, and I consider it well that the trail of the scouts and patrols should pass through it. The general character of the route is hilly, and the distance about one hundred and ten miles. Some labor would be required to prepare a wagon-road; and, on account of the facility of communication from either post with headquarters, I consider it unnecessary that more than the trail for the scouts should be indicated.

Fort Martin Scott is pleasantly situated on the west bank of Barrón's creek, a small tributary of the Pedernales, about two miles from the town of Fredericksburg, and seventy-five from San Antonio. Its site is healthy, convenient, and judiciously chosen. Placed in a section of country which is part of the rich valley of the Pedernales, clothed with a plentiful growth of post oak and cypress, with abundance of building stone, lime, and sand hard by, and among settlements rapidly increasing, it has almost all the requisites for the quarters and subsistence of troops. It has a central position with respect to the upper and lower settlements of the Pedernales, and to the towns of the Germans and the Mormons. The latter place thriving, its mills supply the neighborhood with lumber and meal, and ample crops furnish the forage required by the troops. Fredericksburg is a healthy position: the garrison appeared to advantage, and I have heard of no endemic disease existing there. As to buildings and quarters required, the fine barracks of hewn logs already put up are ample for all present purposes, and other than these no defensive works are necessary; yet, for complete security against horse-stealing by the Indians, I would recommend that all public stables be enclosed by a high and strong picket fence.

Fort Croghan, the next station on the line, is situated at the head-spring of Hamilton's creek, a small tributary of the Colorado. In a pretty valley, sheltered from the northers by the neighboring hills and groves of post oak, the position, in point of health and comfort of the troops, is found to be a good one. I examined with great care the country lying between this and Fredericksburg. As before mentioned, this section is very rugged and difficult, and in its formation is distinct from other portions of Texas. Leaving Fort Martin Scott in a course nearly north-east by east, the connecting road will pass from the Pedernales valley through Connor's gap, and thence continue to the Colorado, crossing it just below the mouth of the "Sandy." A continuous valley lies between the rough mountains which enclose that creek and the hills to the eastward, which are the divide between the Pedernales and the Colorado. The passage of the latter river is difficult. The ford has been much used by the Indians, but is scarcely practicable for wagon communication. Should that be deemed essential, a ferry must be placed near this point, which involves the establishment of a settlement or a guard. Certainly the valley and the lands in the vicinity are exceedingly rich and beautiful, and well adapted to attract settlers; but, for the purposes of scouting and express, the

obstacle is not great enough to require this. Fifteen miles from the crossing is the station of Fort Croghan; and the whole distance is not greater than sixty miles. The troops at this post had already constructed their shelters for the winter in a very substantial and creditable manner. They are well laid out in suitable arrangement. The marble and common limestone abounding in the vicinity have supplied good building material; and chimneys, ovens, and other necessary structures of masonry have been put up, not only with rapidity, but neatness. Four miles below the fort, upon Hamilton's creek, was the cantonment of the rangers known as "McCulloch's station." This was the point originally selected for the troops. Some disagreement with the owners of the land caused their removal to their present locality—a fortunate thing; for the ranger camp, from the miasma arising from the sinkholes of the neighboring prairie, is found to be unhealthy. The valley of the Colorado is open to the same objection; otherwise, it would be expedient to occupy that. No such complaint is made of Fort Croghan; and the medical officer of the post informed me that the men had been uniformly healthy since its first establishment. This station is about fifty miles distant by the road from Austin, and receives its supplies from that point. The resources of the vicinity, particularly on the Brushy and the San Gabriel, are ample for the supply of the forage and the market of the garrison. No settlement exists to the westward. While the rangers occupied this section, a guard was detailed, which held the points at the Sandy crossing and at the mouth of the Llano, (where is also a ford,) with a view to prevent the passage of the lower Brazos Indians to the country south of the Colorado.

Communication between this post and that on the river Leon, the next on the line, is very easy. Distant about seventy-five miles, the latter is placed on the left bank of the stream, in one of the finest valleys occurring upon the route. No other labor is required to make a fair wagon-road between the stations than to slope the banks of the rivers at the fords. As observed in noticing the general characteristics of the country, these rivers are remarkable for the deep channels through the prairies by which they make their way to the lower country. The valleys are formed in several plateaux, which, like great steps, render the descent to the water less difficult. Covered with a heavy growth of timber, and comprising a great deal of fine land, this section holds out many inducements for settlers, who already are beginning, assured of the protection of the troops, to take advantage of it. Here is found the southern limit of that enormous bed of marine fossils which stretches far away to the territory north of Red river. Few tracts are more interesting to the geologist. The precipitous cliffs of the rivers display the various strata, perfectly defined by their remains, from the lower fossiliferous limestones to the last beds of the sandstones, which lie exposed on the surface of the prairie.

Owing to the lateness of the season when Fort Gates was established, the barracks and buildings of the post were not quite so forward as elsewhere on the line. Fine timber is found abundantly in the vicinity, and the garrison may depend upon the settlements within fifty miles on the Austin road for supplies of forage and beef.

Fort Graham, on the left bank of the Brazos, occupies the position known as José Maria village. No place on the line is more remarkable for its beauty and fitness in every respect for a garrison. A clear creek passing the camp gives water to the post. The fertile lands of the Brazos

are spread out before it. It is healthy—the late sickness so prevalent among a portion of the troops having been due to their stay in the pestilential region of the Trinity. A substantial building has been put up as a hospital, and the shelter for the men nearly completed. To Fort Gates the distance is about fifty-five miles—the route between the two posts lying to the eastward of a direct line, forced in that course by the rough country of Coryell's creek and the upper Bosques. Wagons have already passed over it, and it is in all respects a good one. At the post a ferry has been established, which in time of high water keeps up communication. Timber of cedar and oak abounds in the vicinity; and the settlements to the eastward and lower down on the Brazos afford forage and a market ample for the wants of the post. It is greatly frequented by Indians of all tribes. Most of the Texas bands live upon the upper Brazos; and the vicinity of the trading-house about fifty miles above Fort Graham renders it a place of great importance. A direct road to Austin, one hundred and thirty miles long, is much travelled, and is now the route for supplies.

Fifty-four miles above Fort Graham, in nearly a north direction, at the junction of the Clear and West forks of the Trinity river, is Fort Worth. An excellent road, skirting the western edge of the Lower Cross Timbers, is already made between the posts. The latter is the most northerly of the chain, and is the most objectionable in its position. The Trinity, a rapid stream, to which belong many tributaries, is subject to very sudden rises. Unlike the rivers to the southwest, its valley is a level flat, between which and the Great Prairie there is but one descent. From two to three miles wide, and covered with a dense growth of trees and underwood, this is by the freshets converted into soft mud; and when the water subsides, it leaves to the sun a mass of rotted vegetable matter and half-dried mud, whence the constant sickness in the country is engendered. Fever and ague prevail through the whole year, and the troops have suffered from it very much. The timber which exists at all westward of the "Cross Timbers" is only found in these valleys of the streams, and there it is impossible to live. The garrison is therefore forced to the high plain, exposed all winter to the northers and sleets of the country, and in summer to scorching heats. The fort has been laid out on a scale rather contracted—probably as designed originally but for one company. And the arrangement of the stables I cannot commend: they are much too near the quarters of both officers and men, and, however thorough the police may be, cannot but be offensive in summer. The question of security or defence is readily settled. A picketing with a guard, considering the nature and mode of warfare of the probable enemy, is ample. To place the stables within shot from the barracks, in such wise that its approach, in event of a *coup de main*, is commanded, I think is all that is required.

A mill, worked by horse-power, hard by the post, and the thickly-wooded bottom of the Trinity, furnish cheap and abundant supplies of lumber and fuel. A coarse-grained marble, making excellent building material, and plenty of lime and sand, are found in the neighborhood. No post is so plentifully supplied as to forage and subsistence. Within forty miles are the little villages of Dallas and Alton; and numerous hamlets are found through the Cross Timbers, which afford nearly everything that is required for consumption by the troops.

The route between Fort Smith and the Red river is already practicable,

and skirts the western edge of the Cross Timbers for about eighty miles. After crossing Hickory creek, thirty miles from the post, the houses or squatters are to be seen at short intervals all along the road, as far as the little village of Preston, in Coffee's bend. The distance between Fort Washita and Fort Worth is one hundred and twenty miles, and entirely too great for their small garrisons to scout over effectually. An extensive line of country is exposed to the incursions of the Wichitas—a wild tribe with which, as yet, no relations have been established. They live upon the Red river, some fifty miles west of the line, and are hostile. Should it be deemed sufficiently important to establish another post between Fort Washita and Worth, I recommend the position at the Elm fork of Trinity—formerly a ranger station, and about midway on the road—as satisfying all requisite conditions.

From this brief notice of the different stations, to avoid repetition, proceed to some general remarks applicable to them all. The building required at present are such as are in process of erection—comfortable houses; and, besides the recommendation that capacious hospitals, with suitable accommodation for attendants, be made, I have nothing to add upon this matter. I might say that great expense would be saved to the government, as well in money as in time and labor, while the efficiency of garrisons would be consequently increased, if each post were supplied with a circular saw and its apparatus, to be worked by horse-power. All of them are a number of mules: many of these are pack mules, and when not used in the scouting parties, could be applied to this without additional cost. The advantages resulting are so obvious, that it is unnecessary to enter into the details of expense. All the lumber required could be supplied by three or four men; and not only would the building be neater, more comfortable and convenient, than those of rough-hewn material, but the effective force of the garrisons be put to their appropriate duty and discipline. The weight of Texas lumber, and the distance of posts from places where mills are worked, render it extremely expensive while, by this means, all that is incurred is the original cost of machinery—an outlay, in consequent saving to government, many times covered.

I have to urge that the garrisons occupying this line, with the companies as at present organized, are far from strong enough to be effective and this is a matter of such moment as cannot be too forcibly represented. Certainly, occupied with building, charged with scouting over an extensive line and protecting a great frontier exposed to a restless and active enemy, this command, even when not disturbed, must be considered as in a state of war. It is expected to be always ready; and this with the skeleton organization, is impossible. This is especially true of the lower posts, including that at Fredericksburg; for above a different state of things exists. Most of the Indians of Texas find a home upon the upper Brazos, within a few days' march of the more northerly post. There are their cornfields, their women and children—there the pastures of their horses. In the Upper Cross Timbers, and about the head of the Leon, is the range of the lands of the Ionis, Keechis, Caddos, Tawcanos, Tancahuas, and Wacos. The Wichitas live on Red river. The people are naturally cautious of depredating on settlements protected by posts so near to themselves, and whence they may meet a severe retribution. Accordingly, we hear of but few disturbances in that quarter. Occasionally a horse or a beef is taken, but murders are of rare occurrence.

The case is different below; and while the old men and the chiefs are visiting the upper posts in good faith and amity, and their hunters carrying on an active trade in game, their young men are almost continually on the war-path against the settlements of the lower country. For such reasons, great activity and efficiency are required of the garrisons bound to afford protection there. I cannot recommend less than two mounted companies of one hundred men each at Fort Martin Scott. With a force large enough to allow the detail of strong and frequent scouts, its position is such as to render great service in punishing, as well as restraining, Indian depredation. Within one hundred miles, in a westerly direction, pass all the great trails, at known points, by the rivers of the lower country. Differing from the northerly parts of Texas, this is rugged and difficult, and there are certain passes by which the enemy is forced to move. This fort, from its situation, may be said, by active scouting, to command them. On the Llano, the San Saba, and the Concho, is much valuable land. Already the Germans are pushing their settlements into these sections, and from it must be furnished the protection they need.

Forts Croghan and Gates are of less general importance. They serve for the protection of their immediate neighborhood; and their situation is dependent upon the distance over which their forces are competent to operate with effect. For garrisons of two companies, (the least I could recommend,) this distance appears to be about sixty or seventy miles; and while the nature of the country is such that the Indian can move in all directions, from the same cause the news of his approach flies rapidly, and he is readily pursued.

To Fort Graham, on the other hand, I attach great importance, for reasons which apply to it peculiarly, on the upper frontier. In the immediate neighborhood of the various Indian tribes, in whose camps may be heard the bugles of the garrison, it is regarded by them as a council-spot—a place where they will make their treaties, and receive their presents. To see and to feel the power of the country directly at their own homes, has upon them a great effect. Its proof is, that, while hundreds, perhaps thousands, of them are ranging through the woods and up the creeks, it seems perfectly safe to travel, and the numerous animals of the post graze, on the broad valley of the Brazos, month in and out, without disturbance or theft. The relations which exist at this fort with the Indians satisfy me that the *nearer to them garrisons of force are established* the better the results. In time of general hostilities, active operations may be conducted from Fort Graham with signal effect. Striking by the line of the Brazos, in the winter-time, when the cold winds make the great prairies uninhabitable, and when grass is to be found only upon the creeks and in the river valley, its troops have a formidable position. The tribes cannot or will not understand why, one day, this post may be called upon to chastise them for outrages committed many hundred miles away. Should that time come, it would be well that the work be done with vigor; and I think, therefore, that about two hundred men should be stationed here.

Perhaps more complete protection to the extreme north of the line, now quite exposed, and rapidly being settled, might be afforded by dividing the force at Fort Worth, and placing one wing, say, at the Elm fork of Trinity. One hundred and twenty miles is too great a distance to be covered by one small post. But, in this disposition, I consider it necessary that the single companies be increased to the war numbers.

Such is a cursory view of the line, as now fixed; and I believe that a *disposition* better suited to the nature of the country, the enemy, and the *present* exigencies of the settlements, cannot be made. Certainly, with such numerous and active tribes on the border, the frontier from Hamilton's valley to Red river has been remarkably free from disturbance. Be it understood that I allude to the *upper country alone*. But it is easy to perceive that the present condition of things here cannot long be maintained; and, though now the line of posts is at the proper distance in advance of the settlements, the latter are in rapid progress. The stations themselves induce them; and many will be speedily pushed into the rich districts of the upper Colorado, Leon, and Brazos. A more extensive system will be required, and one which must bear, not only upon the people of Texas, but on those of Mexico. Unable, then, to regard the present line as permanently established as an Indian limit, I have not made such particular recommendations as fixed garrisons require.

The natural frontier—that is, the boundary between the sterile plains of the northwest and the arable lands—will probably be the future permanent line; and excellent positions might be established between the mouth of the little Wichita and the head of navigation on the Rio Grande—the chain of posts following the valley of the Palo Pinto to the old San Saba fort, and thence by the heads of the Nueces and Las Moras. Such a line penetrates the very heart of the Indian country. The wild tribes see, not small garrisons many hundred miles away, but large and powerful posts, which, upon the news of outrage, retaliate with terrible effect. Such a command distributed upon this line will impress the savage with an idea of the power and resources of the great republic which he has never before entertained, or has regarded as fabulous. To know us, they must be made to feel us; and I can conceive of no better plan for this end than the disposition of two thousand mounted men upon the frontier, of which a garrison of two hundred may be placed on Red river, five hundred on the Brazos, three hundred at the old San Saba fort, (a locality peculiarly eligible,) three hundred at Las Moras, and seven hundred at Presidio del Norte. Here are five positions which I wish to be understood as recommending—not at all for their advantages as to their moral effect upon an enemy of the kind considered, but simply as places by which the force is availably distributed, strong action provided, and depot and refuge secured. From these points, where the force is concentrated, and ample provision for active service supposed to be made, the *morning camps* of the cavalry diverge, scouring the country to and from the settlements, preventing the passage of Indians, compelling them to remain in their own land, and, if forced to that extremity, capable of exterminating them. These commands, remaining in the field in *constant motion* for the proper length of time, return to the large forts, whose garrison is ample to relieve them, and thus keep the men in a state of sufficient activity, with sufficient rest.

Independent of the well-known fact that a concentration of force is the greatest promotion of discipline and efficiency, and that the great principle of war is the same whether the enemy be civilized or barbarous, and that by such services the troops become daily more inured to the country, and better acquainted with the manner of warfare of the Indians, I believe such a system to be far less costly than the distribution in small and numerous fixed garrisons. I believe that it is the speediest and the surest mode

of operating against those wild nomadic bands of many thousands of robbers who infest our enormous frontier, and against whose incursions government is bound to protect its own people and that of the neighboring country, blighted for so many years. And, while conscientiously advocating such a system, I hope I may be understood simply as suggesting, in the belief that, even in the crude ideas of the inexperienced, abler and wiser heads may find something which they may improve to most salutary effect.

I have the honor to be, major, your most obedient servant,

WM. H. C. WHITING,

Lieutenant of Engineers.

Major GEORGE DEAS,

Assistant Adjutant General Eighth Military Department.

SAN ANTONIO, TEXAS, March 14, 1850.

MAJOR: I have the honor to continue my report of a reconnaissance of the military frontier of this department.

The post at Rio Seco, called Fort Lincoln, is situated on the Wool road, fifty-five miles west of San Antonio, thirteen from Vandenburg, and two from Dhanis, the extreme western settlements of the Germans. It is important as furnishing protection to these hamlets, but chiefly as a post of escort and refuge for the extensive travel of the road. Its supplies are generally and readily obtained from San Antonio and the German settlements. The position is healthy, the water good, the grazing of fine quality; but otherwise, from the general dryness of the country around it, and the want of suitable building timber in the vicinity, it does not present so many attractions as most of the other posts in Texas. I think that the temporary quarters may be much more readily and cheaply erected of stone than of wood. Ample quarries are at hand, and the buildings required may be put up of limestone with much greater rapidity than with logs. It has been found necessary to haul the timber of which a few houses have been already built six or seven miles—a cause of great delay.

The Wool road, the route of communication between San Antonio and the Rio Grande, is so far excellent, and a great deal of travelling is made upon it. Thirty-four miles west of Fort Lincoln is Fort Inge. This post, near the head of the beautiful Leona, is justly regarded as one of the most important and desirable positions in Texas. No station on the line possesses so many peculiar advantages as this. On a great inland route of commerce, at the point where the great military road to El Paso del Norte leaves the road to Eagle pass, in a country celebrated as the richest and most desirable, in point of wood, water, and soil, west of the Colorado, surrounded by beautiful scenery, capable of supplying the wants of the troops many times over, it is pre-eminent as a military site. In a state of constant warfare and constant service, its garrison has onerous duties, and, on the present line, above all others, demands strong forces and constant supplies.

The arrangement of the quarters and other public buildings about the place, for security, stability, comfort, and neatness, reflects great credit upon the officers and men. Capacious barracks have been put up, at but small expense; large and fine gardens have been laid out and cultivated,

promising ample supply for the inhabitants. The grazing in the vicinity, through the rich mezquite flats of the Leona, is unrivalled.

It possesses the great additional advantage of health: the reports of the medical officers show that but little disease of any kind has ever visited the station. Supplies have been chiefly obtained from San Antonio. The establishment of the post, and the consequent security in its immediate vicinity, have invited several corn-planters on the Leona; and it is presumed that forage, vegetables, and beef may soon be abundant in the neighborhood. Shingles are readily procured from the cypress of the Sabinal and of the Frio, the rivers next the Leona, where parties of citizens are engaged in their manufacture. The forests of mezquite which clothe the Leona bottom afford abundance of fuel.

The present road between Fort Inge and Fort Duncan, at Eagle pass, is mostly by the route taken by General Wool in his invasion of Texas, through Presidio Rio Grande. It followed an old smuggling trail, and is very circuitous in its course. I was instructed to examine the intermediate country, with a view to ascertain the practicability of a shorter route. This I succeeded in, finding that the distance travelled may be shortened about twenty miles by following a straight course between the posts—a fact of great importance, when the amount of supplies passing the road is considered, and the great danger incurred by trains now compelled to be more than one night out in reaching Eagle pass. Between the Nueces, the Mina, and the Muela, it will be necessary to cut through the chaparral. This might employ from ten to twenty axes between six and ten days. Other than that, nothing is required for the road but log bridges over the Mina and the Chicon, such as are seen on the present road. These little streams are very narrow and easy to bridge, but boggy and difficult to ford. More water, and at generally shorter intervals, may be found on the proposed direction than on the other. By the latter, the distance travelled is nearly eighty miles, while the two forts are but little more than fifty miles apart.

Eagle pass is a name given by the Mexicans to a cañon through the hills on the other side of the river, and near the mouth of the Escondido, by which passes the road to San Fernando. A mile or two above this is situated Fort Duncan. The river bottom is here, like the valleys of upper Texas, found in three plateaus, on the highest of which is the encampment. But, unlike them, it is destitute of timber and of shade-trees—so desirable here: mezquite alone is found. A range of rough sandstone hills, of no great elevation, limits the valley, and overlooks the camp. The site is healthy, and pleasant breezes render it desirable in summer; but the great drought which prevails during nearly all the year makes it compare unfavorably with many other posts.

There is a great deal of passing both of California emigration and of inland and of Mexican commerce by this place; and it may from this, and its position as the probable head of all navigation on the Rio Grande, become an important point. Above the post, and close by, an American settlement has been commenced. Corn, beef, and lumber are supplied from Mexico. The cheapest and best building material is stone, the quarries and quality of which are fine. Adobe is likewise much used, and found to answer very well.

The country lying between San Antonio and Leona has already been often described; that between the Nueces and the Rio Grande, on the

Wool road, compares with the former unfavorably. Subject to almost constant drought, badly watered, clothed with cactus and thorny chaparral, it presents an aspect dreary and desolate in the extreme. This effect is increased as the Rio Grande is approached. But in the vicinity of the Nueces, and about the heads and along the banks of the creeks which uniting form the Espantosa, is found excellent grazing. No country is better adapted than this to the Indian in his purposes of depredation, escape, and concealment. Lurking in the thick screens which line the road, he observes all that pass. From strong and well-armed parties he lies hidden; the weak and careless are almost invariably attacked. From the Las Moras to the Leona, hundreds of trails attest his presence. The late events along this route show that a settled disposition to war on the part of the Texas Indians is arising.

Hard by Fort Inge passes the Indian high-road of the Frio. Next are the trails of the Blanco and the Sabinal. Within nine miles of Fort Lincoln is Ranchero's creek, sometimes called the Maucinal.

Here, in the thickets which grow about the crossing, eight new graves bear witness to its dangerous vicinity. It is by the passes of these several streams that the Indians in general come from the upper country and retire to it. Hard pressed, however, they will forsake the trails and pursue their flight over such rugged country as almost to defy pursuit. Below, it is equally difficult. Once in the chaparral of the great plain between the Nueces and the Rio Grande, a country through which thread in every direction the trails of countless wild horses, baffling the most skilful woodsmen, pursuit is wellnigh hopeless. Here they are central with respect to the settlements of Goliad, Refugio, Corpus Christi, the towns on the Rio Grande, the ranchos about the old roads, and the route to Eagle pass. Should the troops fall in with them, if hard pressed, and unable to reach the upper country, a retreat into Mexico is open to them. The most *unremitting* and *active motion* through this large section of country, by a force *strong enough* to keep it up, and properly armed and mounted and *disciplined*, would seem to be the only means of prevention. Even then punishment is difficult. That, I think, is *summed* in the word *retaliation*.

That portion of the present military frontier which extends from San Antonio to Eagle pass is, then, to be regarded in a very different light from the upper line, both as to its relation to the country it protects and to the enemy. But few of the observations made upon the posts to the northward apply to Forts Lincoln, Inge, and Duncan. With limited means and force, the garrisons of these three posts are in a state of continual warfare. The escort duty, upon which they are likewise constantly engaged, is severe upon men and animals, and often cripples their efficiency in time of emergency. Two great military and commercial routes pass by them, upon which, for security, demands are always being made. A large amount of property, both public and private, peculiarly exposed to depredation, is always in motion along the road. Hence, it is plain to see that, if a necessity for not only a *change*, but an *increase* of *force*, exists anywhere, it does here. Each of these posts requires, at the very least, two hundred well-mounted men, with extra horses. The well-known fact that for years this section of country has been the most dangerous in Texas; the late events—the audacious attacks upon government trains, heretofore in general

respected by the Indians—while they show a settled purpose of hostility on their part, are the strongest arguments in favor of the views offered.

Doubts have arisen as to what tribes have been chiefly concerned in these outrages. It is my belief that all take their part. At any rate, we have strong evidence against Comanches, Wacos, Wichitas, Lipans, and Tahuacanos.

The vicinity of Corpus Christi, until the employment of the rangers, has been particularly exposed, and has, from the numerous horses and cattle owned there, been a favorite point of attack. The post of two companies on the Nueces lately established, acting in concert with the rangers, will afford much greater security.

Taking a general view of the line as established, and of the various events which have occurred, I must believe that the system of small fixed garrisons of infantry and of skeleton organizations of regiments on this part of the frontier is *powerless*, or nearly so. And so long as the Texas Indians, from the great Comanche tribe to the Apaches and Navajos of the west, are looked upon as a people whose rulers possess the power to keep them to treaties and stipulations; so long as the troops upon the line are forced by their circumstances of numbers and equipment to maintain defensive instead of offensive operations,—the state of unhappy affairs so often alluded to and often represented must exist. With me it is a conviction which the experience of each day serves only to strengthen, that the country will continue to hear of murders and robberies in southwest Texas, and its citizens to suffer, until authority and force be given to strike at the heart of this people.

The two reports rendered show a view of the line of posts and their present condition. It is now established, apparently, regarding the present state of the Texas population. That is rapidly increasing; and doubtless reference will soon be had to this progress, and to the not less important stipulations of the treaty with Mexico. There are some general remarks to be made which I believe are not inappropriate in this paper.

In the previous report, the comparative quiet which has marked the upper portion for the past year was noticed. This should not be misconstrued as applicable to the remaining portion of the line. It is believed that a sufficient reason for this apparent discrepancy was there advanced.

The early history of our western posts, from Council Bluffs to the head of the Mississippi and the lakes; the policy of the British government with her Indians; and, above all, the practice of those sagacious and enterprising soldiers, the old Spanish adventurers,—all teach that the most efficient system with such an enemy is the establishment of a powerful garrison in *their midst*; and the *surest*, and, in the end, the *most humane*, preventive is *retaliation*, not only on the offenders in person, but upon the *tribes to which they belong*. The same state of things which long ago obtained on the western frontier of New York, Pennsylvania, and Virginia, and afterwards in Georgia and Alabama, is to be seen here now, and calls for the same effective and terrible remedy then and there applied. I have hinted already at the distribution of a large force upon this frontier, in such a way as seems available. It may not be improper to say something of the peculiar fitness of the positions recommended.

The line stretching from the mouth of the Little Wichita to Presidio del Norte rarely approaches the natural division between the lands, which in course of time will be settled, and the wild plains, which offer attrac-

tion to the Indian alone. It has a bearing not only upon the citizens of Texas, but upon those of Mexico, equally entitled to protection. It affects not the numerous and powerful tribe of Comanches only, with the small bands of roving plunderers, generally known as Texas Indians, who inhabit the upper Brazos and the forks of the Red river, but also the scarcely less numerous or less warlike bands of the Apaches, dwelling in the rugged region west of the Pecos. Those who have witnessed the stagnation in every branch of industry which pervades Chihuahua and the neighboring States can form an adequate idea of the terrible desolation by these tribes. Facts heretofore but little known, and less thought of, appeal earnestly.

The proposed camp at the mouth of the Little Wichita should hold in check the fierce bands of northern Comanches—the destroyers of Bent's fort, the pest of the western routes, and the fiercest and most intractable plunderers of Mexico known. It will be able to extinguish at once the Wichitas—a remnant of the once numerous Wacos, and the constant trouble of both northwest and southwest Texas—not more than two or three hundred in number: they dwell in that vicinity.

Of still greater importance would be the post upon the Brazos—as placed among greater numbers, requiring larger garrisons, as regarded by the Indians as their place of appeal and as their place of punishment, and that thence, when circumstances require, may be struck the severest blows.

The old San Saba fort, in the beautiful and luxuriant valley of the river of that name, is particularly eligible. One of the emigrant routes to California passes by it. It is situated with peculiar advantages for scouting to and from the settlements, and detecting the advance or retreat of predatory bands. It is the point once occupied by the Spanish garrison, whose work still remains, at once a lesson and a warning. From this point the scouts may scour the country traversed by the Indians in their descents to the lower country. To the westward pass those large bands of Comanches which, secure in the recesses of the Sierra Madre and the Bolson de Mapimi, carry on such extensive forays in the Mexican States, returning with incredible numbers of horses and mules.

The "Las Moras" mound, in the beautiful country through which passes the military road to El Paso, is important as an extreme point on that road, and as commanding the country crossed by the Indians *en route* to Coahuila and to southwest Texas. But of more local interest, perhaps, than any other point, is the vicinity of Presidio del Norte, not yet occupied by our troops. Hard by passes that great highway, the trails, which are the wonder of every traveller who crosses them; their worn and dusty length, and the vast number of bones which are scattered along the course, bear witness of their constant use. I have been credibly informed that as many as five thousand head of animals have been taken at one time by this route, and have more than once passed it myself when it gave every indication of having been travelled by great numbers. Within striking distance are the homes of the warlike Apache, now at open hostility with the United States. His towns are found, of many lodges, upon the Rio Grande, between Presidio and El Paso. In the spring and summer he recruits his horses on the rich mezquite which clothes the sheltered valleys of the great Sierra. The importance of the position has been more than once urged; and, in connexion with its occupation, and as an important element of the military system, I would

again earnestly call attention to the construction of the road by the river between this place and El Paso.

Considering the numbers of the enemy and the nature of the duties called for, I cannot regard the garrison recommended as too large. The force should be sufficient for the detail of ample parties to meet any contingency.

But while I have thus dwelt on these positions, of far greater interest do I deem the nature, numbers, and especially the mode of operating, of the troops proposed for their occupation. So that the force is sufficiently large, and availably *distributed, and strongly concentrated*, the matter of positions alone becomes in general one of mere local moment, and decisive by the fitness for garrison purposes. It is then thought that, with a disciplined mounted force, lightly equipped, of not less than two thousand men, acting *continually* by a system of *moving camps*, the great ends in view may be accomplished. The duty is active, the facility of motion of starting expeditions incalculably increased, and the skill and courage of the soldier brought to bear more effectually upon an enemy of the kind considered. It seems unnecessary to enter into detailed arguments upon assertions of this nature. They involve but the substitution of strong bodies for weak, of light cavalry for heavy armed infantry, of active field operations for garrison service. The two great points may be shortly stated. The posts should be where the *Indians live*, instead of where the *citizens live*; and the first news of the departure of any party should be followed, not only by their pursuit, but by *punishment of the remainder of the tribe*. Collateral are other advantages, which, while distinct from the effect upon the Indian, are conducive to it: the increased skill, discipline, and efficiency of the soldiers, and the decreased expenses.

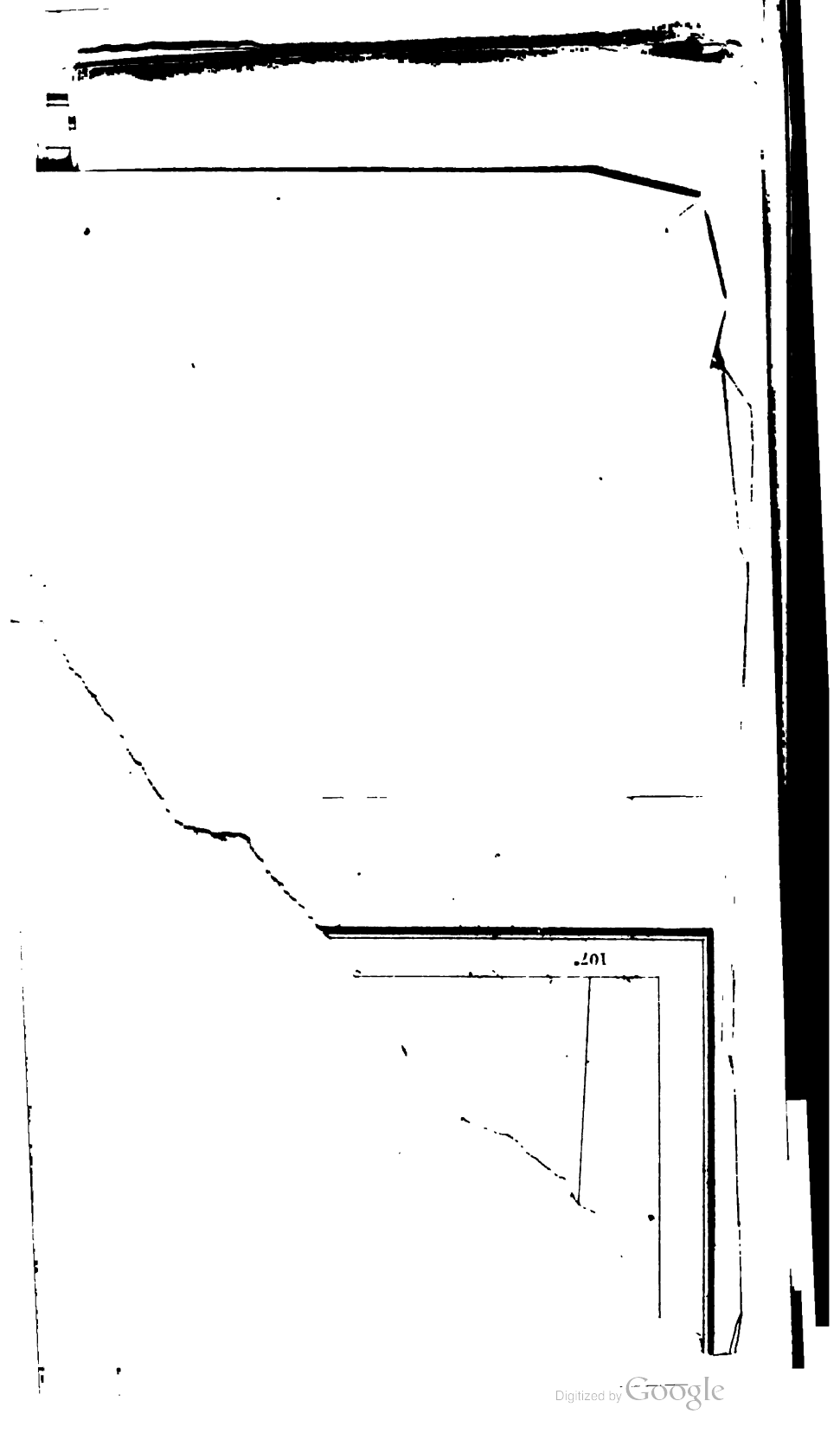
The troops of the United States upon this frontier are expected to perform, as at present organized, what I sincerely believe to be impossibilities; and brave officers and soldiers of infantry, with no superiors on their own fields, are powerless here.

Accompanying this will be found a sketch of the frontier, as correct, I believe, as my imperfect instruments allowed me to make.

I am, major, your most obedient servant,

W. H. C. WHITING,
Lieutenant of Engineers.

Major GEORGE DEAS,
Assistant Adjutant General Eighth Military Department.





Drawn by R. H. Kern from a Sketch by E. M. Kern.

P. S. Duval's Steam Lick Cross Philad.

VIEW OF THE PLACERA OR GOLD MOUNTAIN, AND SANNA MOUNTAIN



R. H. Kern del.

P. S. Duval's Steam Lith. Press Philad. *

PHOTODUPLICATION
OF JEFFERSON
MSS. 1800-1820



R. H. Kern del.

P. S. Duval's Steam Lith. Press Philad^a

HOS-TA, (THE LIGHTNING.)

Governor of the Pueblo of Jémez. Aug. 20.

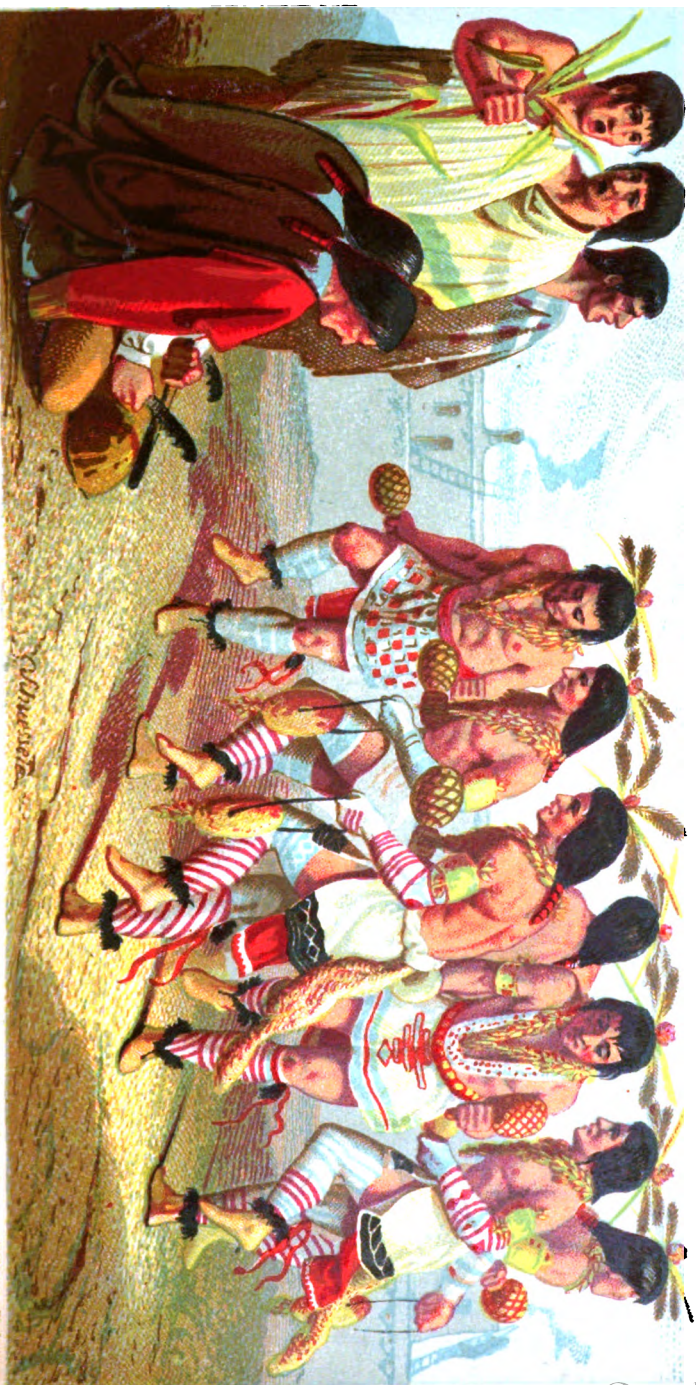


R. H. Kern del.

P. S. Dunlap Steam Press Phila.

WHAR-TE, (THE INDUSTRIOUS WOMAN.)

Wife of the Governor of Jémez — Aug. 20th



R. H. Kern del.

F. S. Duvall's Steam and Press Printing

R. H. Kern del.

COPIES OF PAINTINGS UPON THE WALLS OF AN ESTUFA AT

P. S. Duval's Steam Bath, Press.

No. 1. Aug. 20.



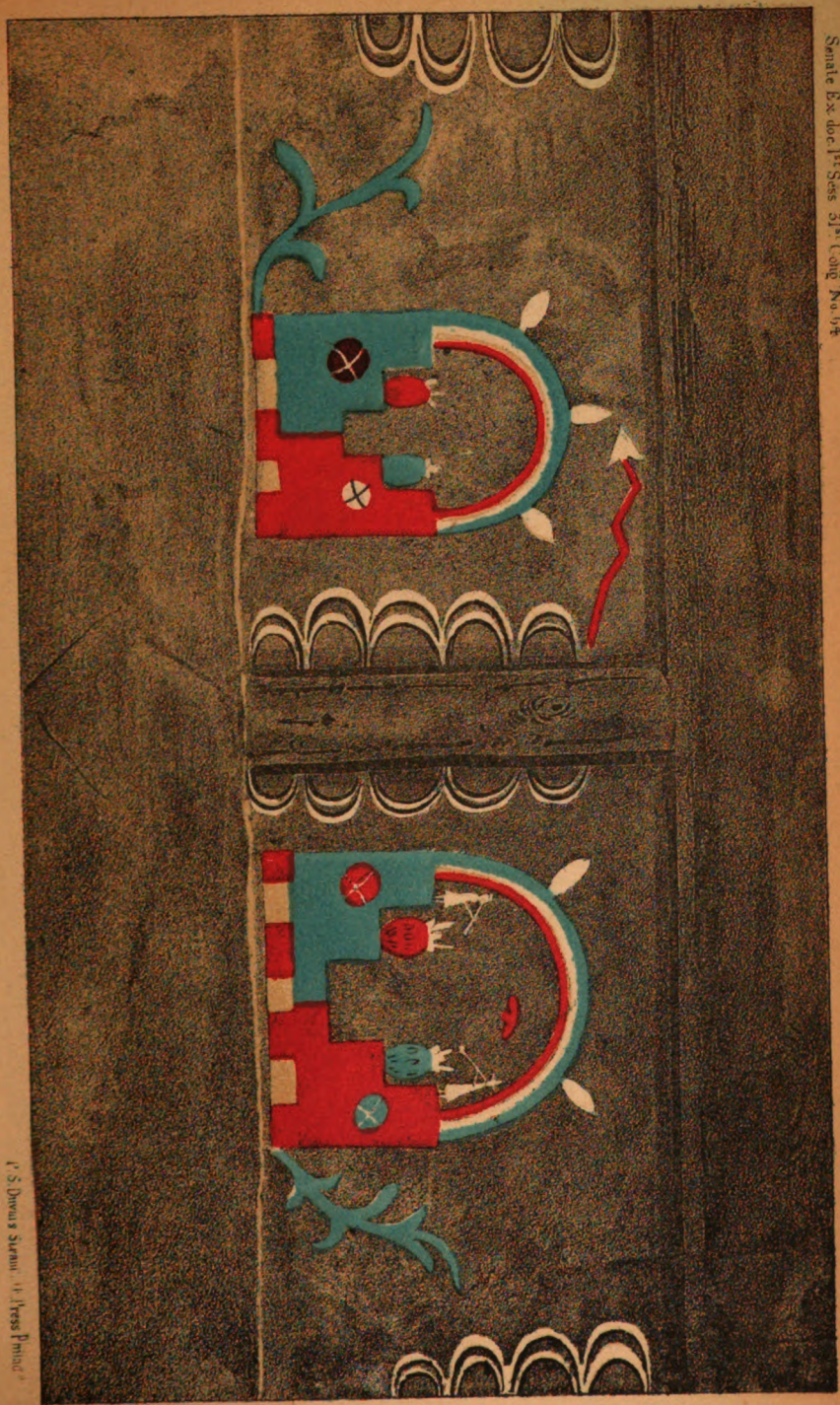


Reh. Kern del.

COPIES OF PAINTINGS UPON THE WALLS OF AN ESTUFA AT JEMEZ.

P.S. Davis's Steam Lith. Press Philad^a.

N^o 2. Aug. 20.



H. Kervodt.

COPIES OF PAINTINGS UPON THE WALLS OF AN ESTUFA AT JEMEZ.

N^o 3. Aug. 20.

L. S. Davis. S. M. J. Press. Printed.



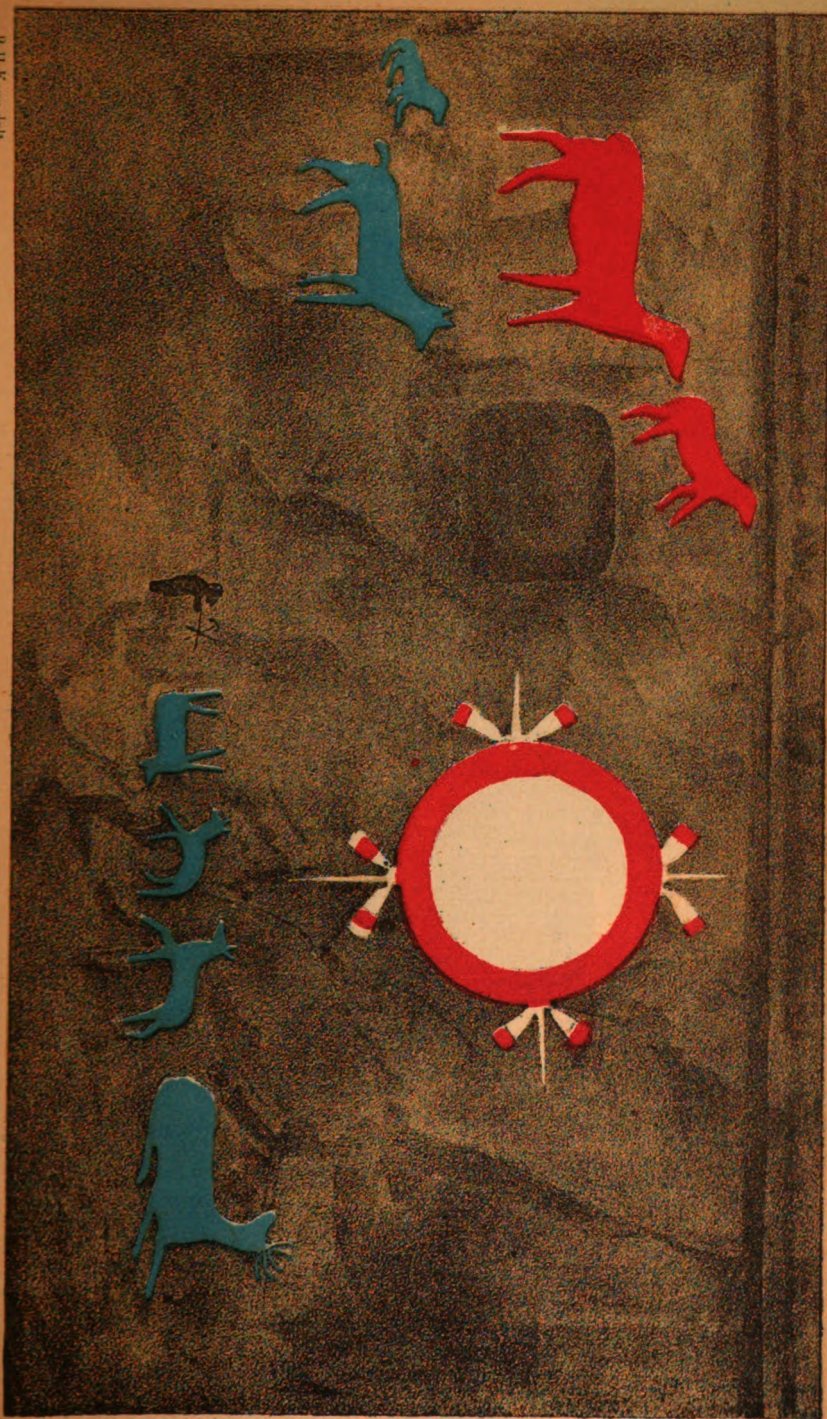
H. H. Bennett.

COPIES OF PAINTINGS UPON THE WALLS OF AN ESTUFA AT JEMEZ.

N^o 3.-Aug. 20.

L. S. Dennis. Sec'y. U. S. Press. Print.





R. H. Kern del.

GOODES OF PAINTINGS UPON THE WALLS OF AN ESTUFA OF JENNEZ.

P. S. Doolittle Steam Mill Press Philad.



P. S. Duval's Steam Lith. Press Philad^a.

WASH-U-HOSTE.

(*Big White Head*.)

a Pecos Indian.



Drawn by E. M. Kern from a sketch by R. H. Kern.

P. S. Duval's Steam Lith. Press Philad. ®

OW-TE-WA

(Captain)

Ex Gouvernor of Santa Ana.



Drawn by R. H. Kern from a sketch by E. M. Kern.

THE GREAT LAKES

twelve miles above Jémez.

P. S. Duval's Steam Lith. Press Philad. A.



P. S. Duval's Steam Lith. Press Philad. a

Drawn by R. H. Kern from a sketch by E. M. Kern.

RUINS OF A ROMAN CATHOLIC MISSION

near the Ojo Caliente twelve miles above Jemez.

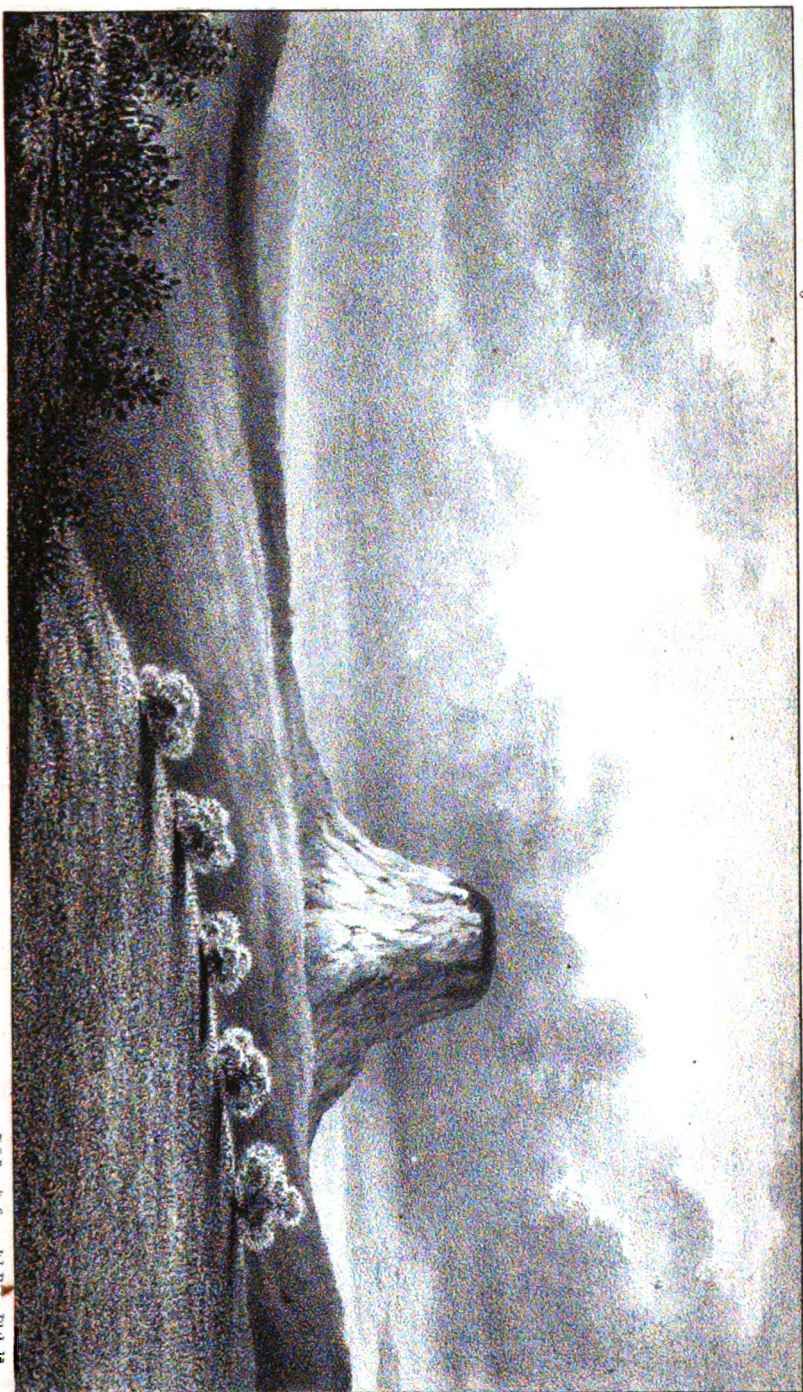
Senate Ex. doc. 1st Sess. 31st Cong. No. 64.



P. S. Dore's Steam Lith Press Printed.

R. H. Kern del.

MOUNTAIN WALL. OF THE GRAND DUE L.A. CO. P.A.
(Canyon of the Gorge Aug. 24.

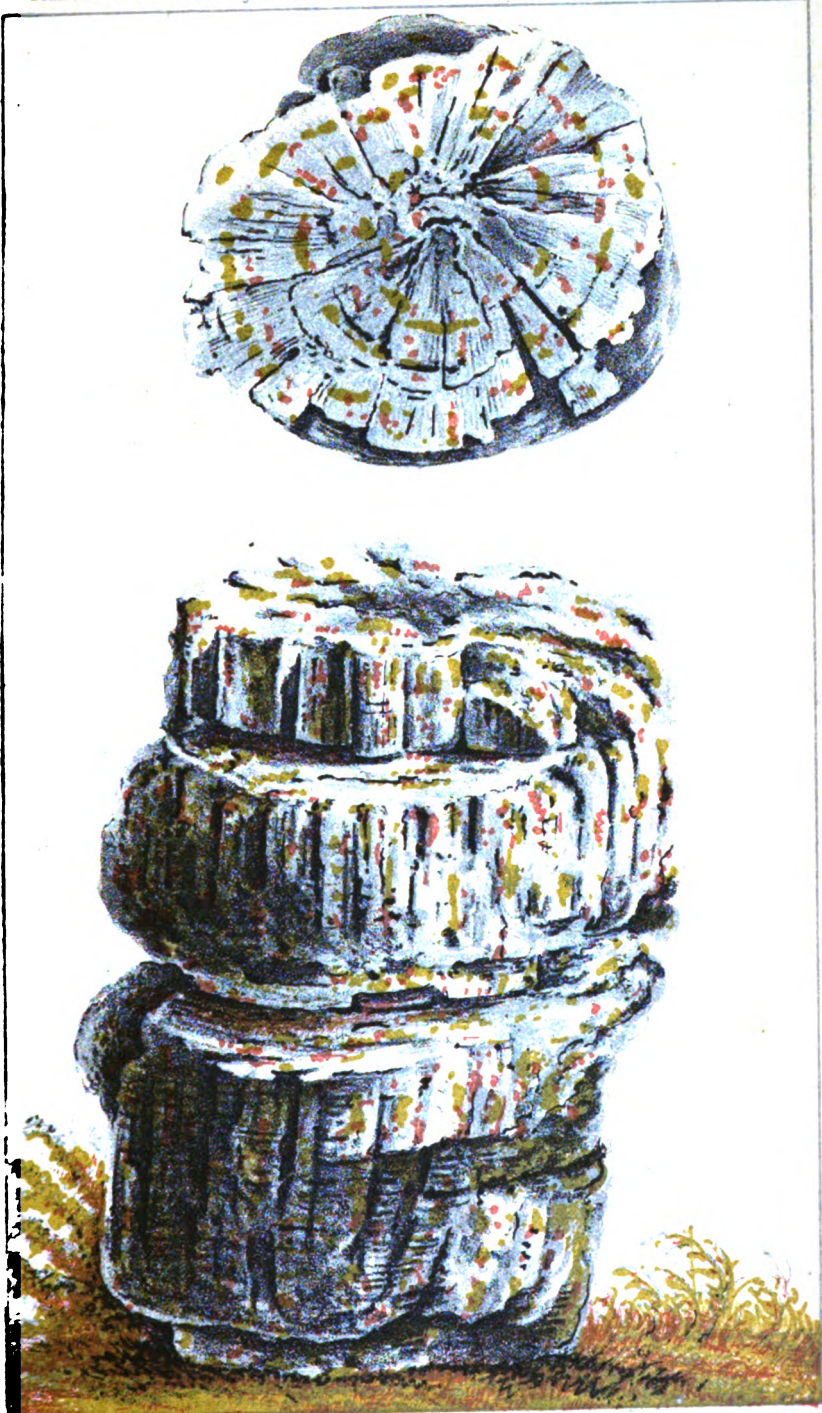


PH Kern del.

P. S. Davis's Steam Ink Press, Philad^a

GEORIO OF LA CABEZA IN THE VALLEY OF THE RIO PUERCO.

View taken three miles west of Camp 6, Aug. 25.



H. H. Kern del.

Engraved in colors at F. & Duval's steam lith Press Phila.

Elevation and Cross Section of a petrified Stump of a tree,
found standing upright in place between camps No 7 and 8

Height 3 ft Diameter 2 1/2 ft. No. 26



R. E. Kirtland del.

Engraved from a drawing by R. E. Kirtland, from the collection of the U. S. National Academy of Sciences.

View of a petrified Stump of a tree found lying split open
as exhibited in the drawing. Locality, between camps No. 7 and 8
Length 4 ft. Diameter in the interior $9\frac{1}{2}$ ft. Age 96

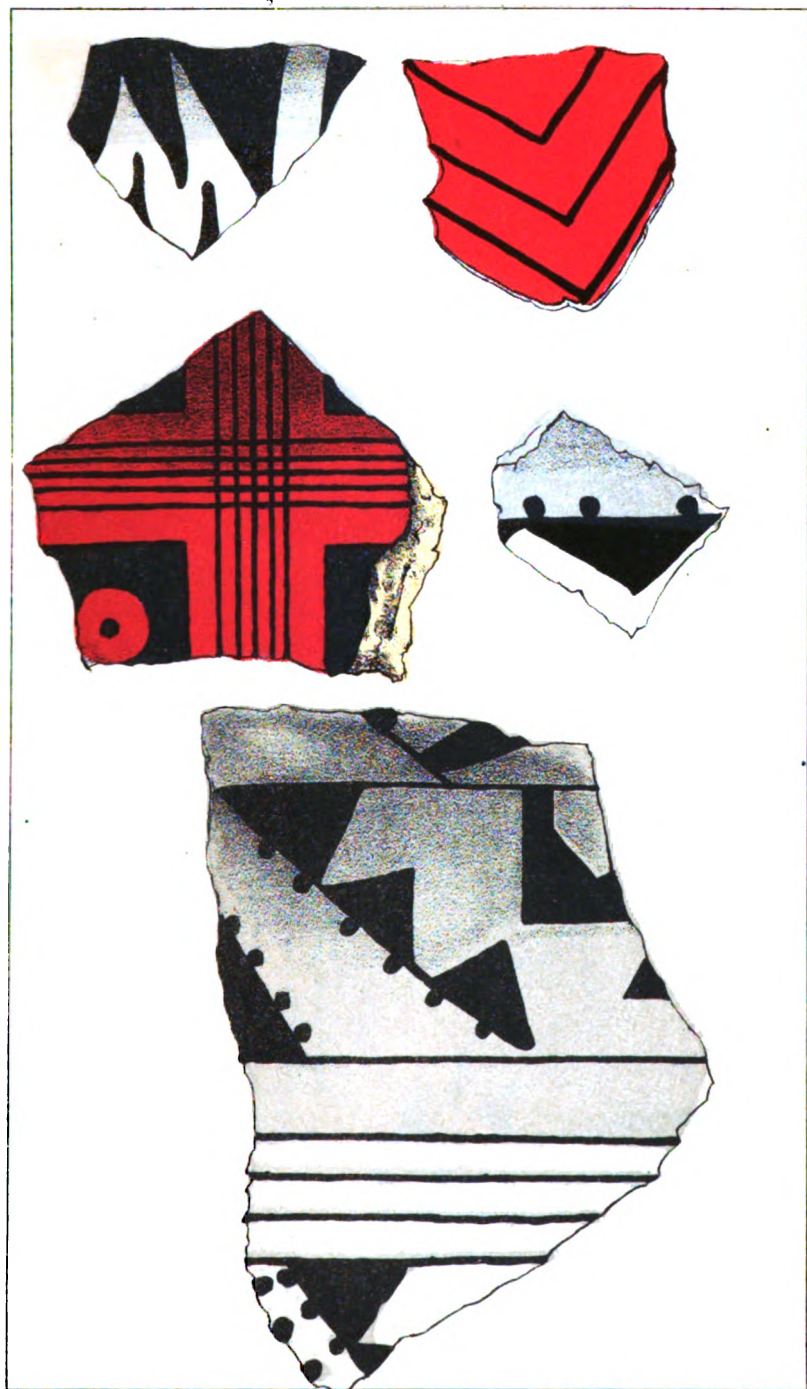


H. H. Kern del.

NORTH WEST VIEW OF THE RUINS OF THE PUEBLO PINTADO IN THE VALLEY OF THE RIO CHACO.

Aug. 26. - N^o 1

P. S. Dorris. Steam by Press. Made.



RH Kern del.

PS Devola Steam P. Press Philad^a

POTTERY found at the PUEBLO PINTADO.



R. H. Kern del.

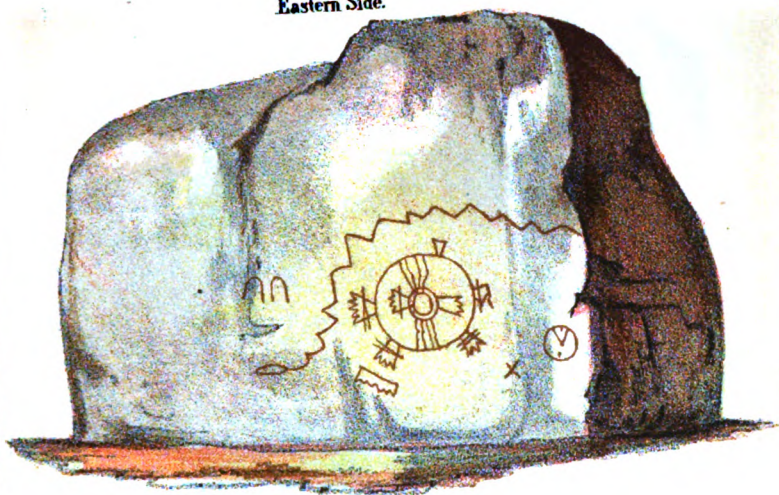
Printed in colours at E. S. Duval's Steam Lith Press Katabi Philad.

HIEROGLYPHS ON A SAND STONE BOULDER.

Near Camp 9.

Digitized by Google

Eastern Side.



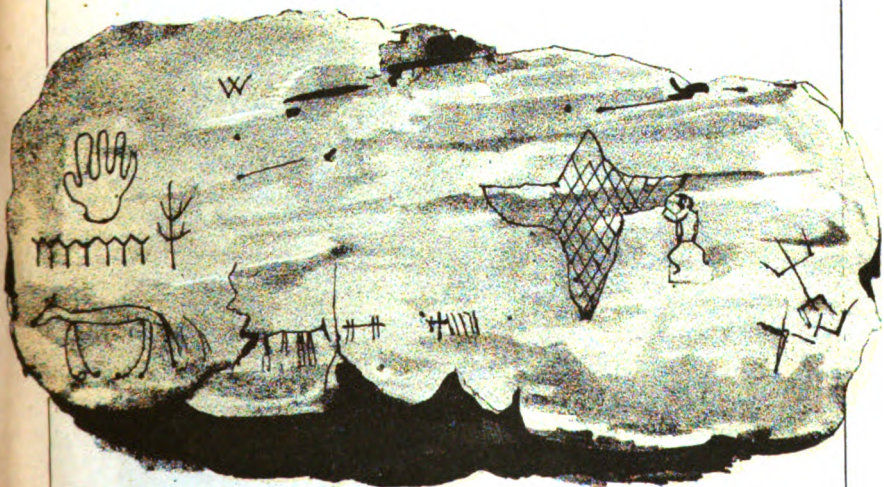
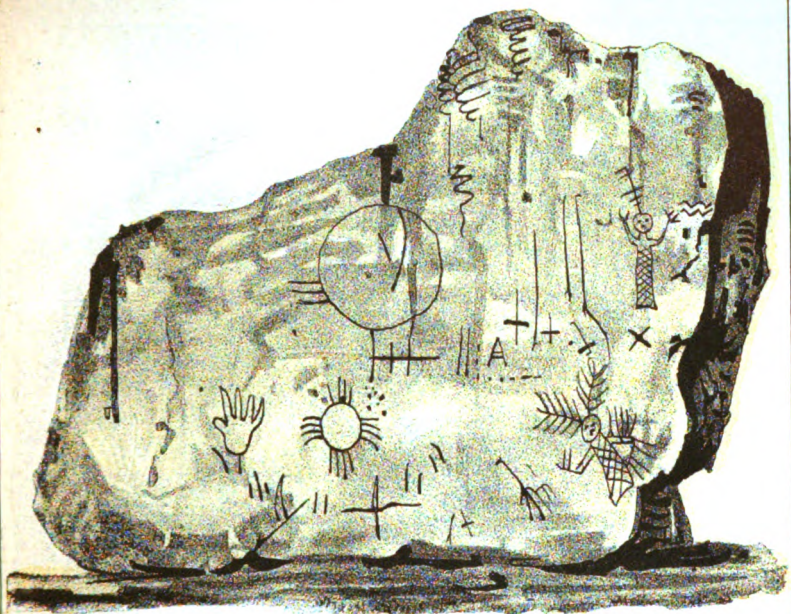
Southern Side.



R.H. Kern del.

Printed in colours by P. S. Dumas's Steam Lith. Press Philad.

HIEROGLYPHS ON A SANDSTONE BOULDER.
Near Camp 9.

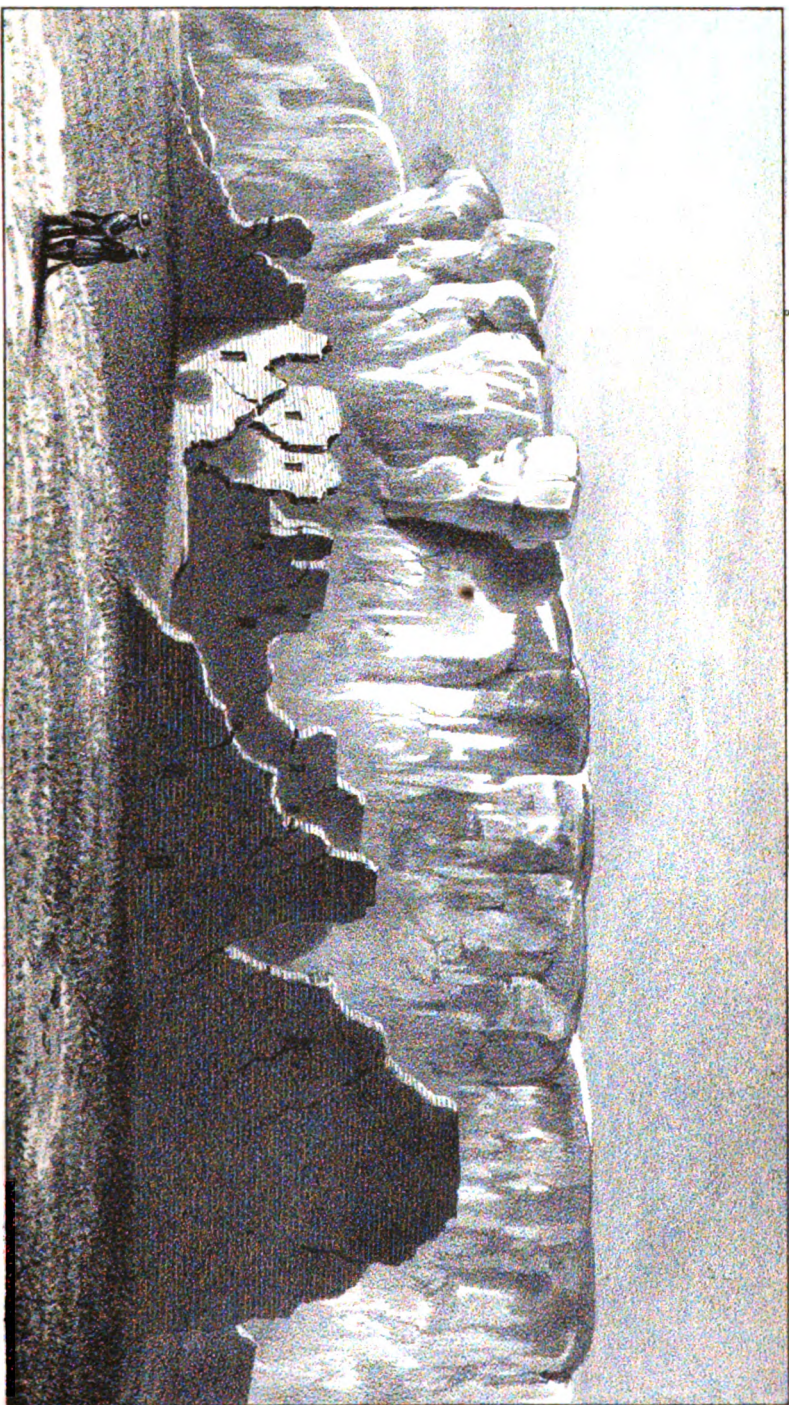


E. M. Kern del^t

P. S. Duval's Steam Lith. Press. Phil^a

HIEROGLYPHICS ON SAND STONE ROCKS.

Near Camp 9.

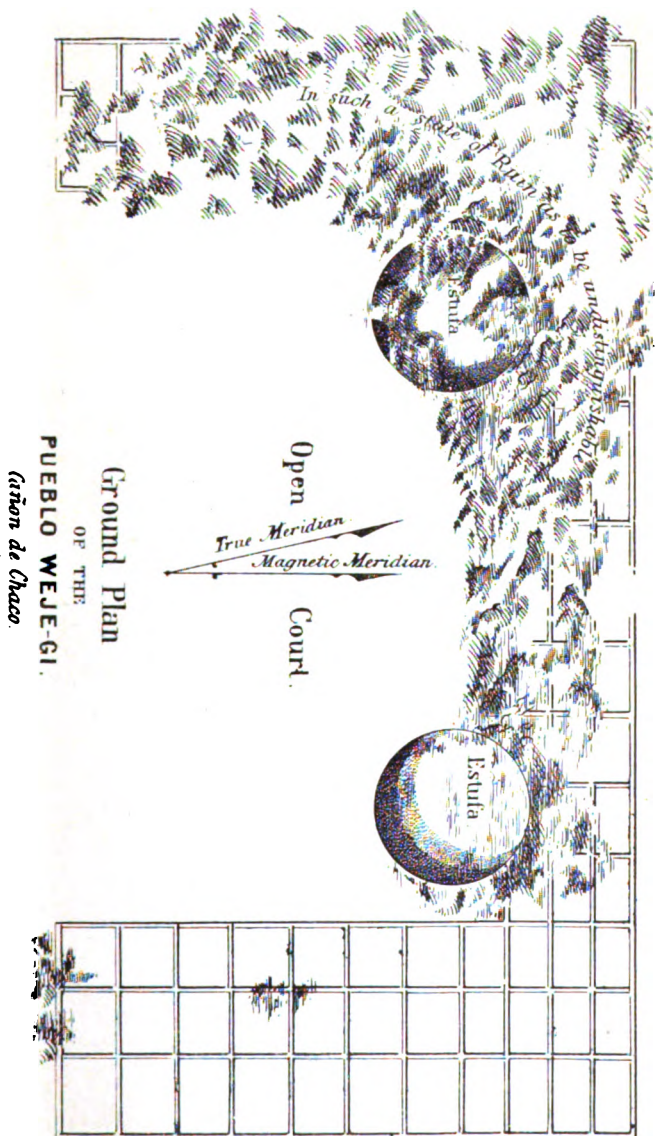


Pl. 26

WESTERN EASTERN VIEW OF THE RUINS OF THE PUEBLO WEE-GEI IN THE GÑON OF GMAO.

Aug. 27 - No. 2.

P. S. Donaldson & Co. Lith. Press. Phila.



Scale of Feet
0 10 20 30 40 50 60 70 80 90 100

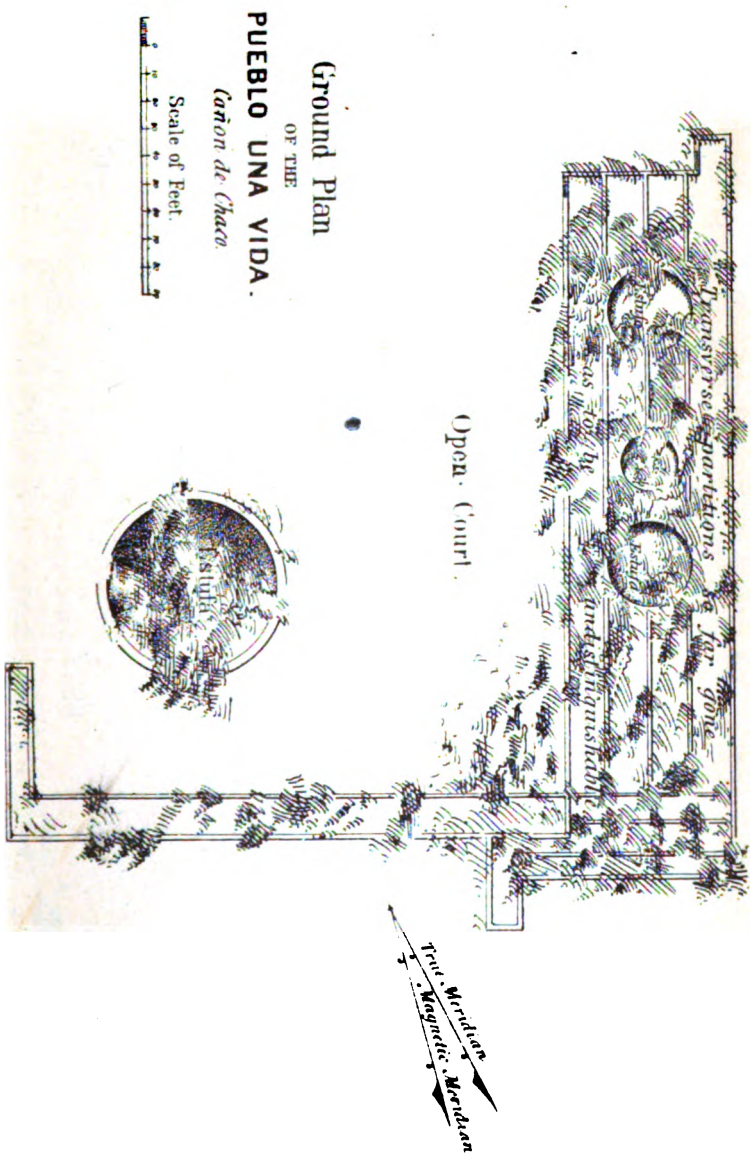


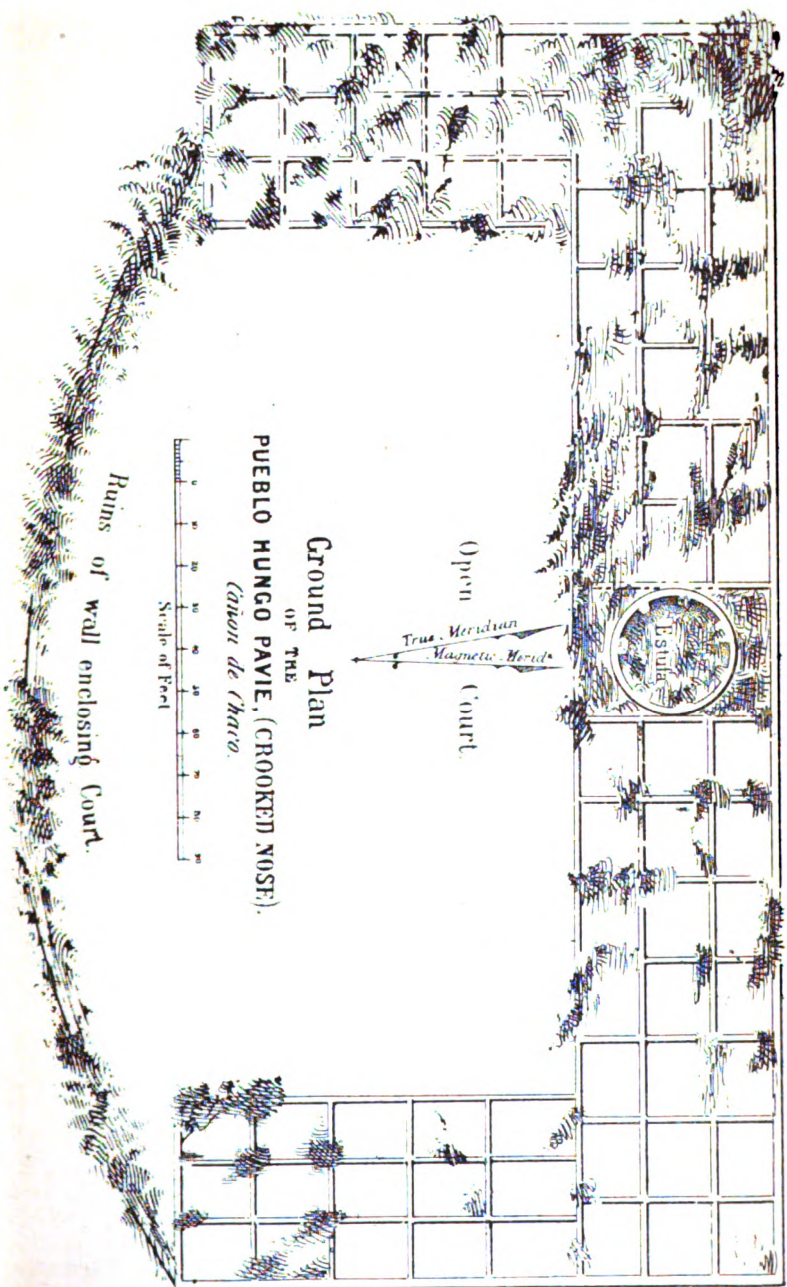
R. H. Kern del.

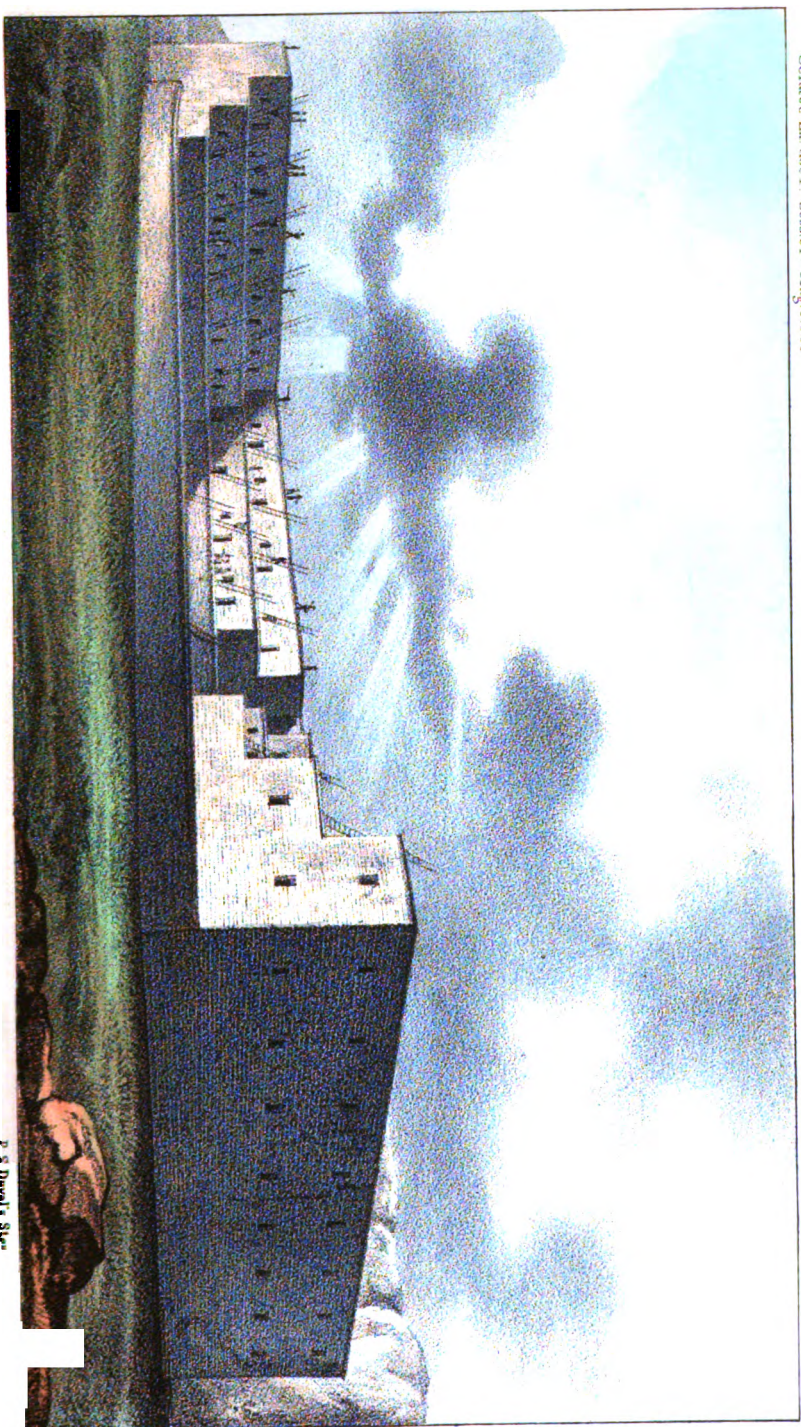
P. J. Devlin. Steam Mill Press, Philad.

RUINS OF THE PUEBLO UNA VIDA, WITH THE MESA FACHADA IN THE DISTANCE.

Canon of Chaco. Aug 28 - No 3.







R. H. Kern inv. et pict.

P. S. Duval's Ste.

RECONSTRUCTION OF THE PUGETO MUNGO PAVIE, (GROOVED NOSI)



R. H. Kern del.

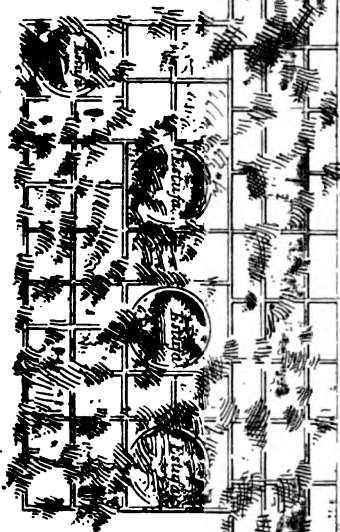
P. S. Colva's steam lith. Press. Philad^a

POTTERY FOUND AT THE PUEBLO HUNGO PAVIE.

Digitized by Google

In such a state
of ruin as to be
undistinguishable

Estufa



Open Court.

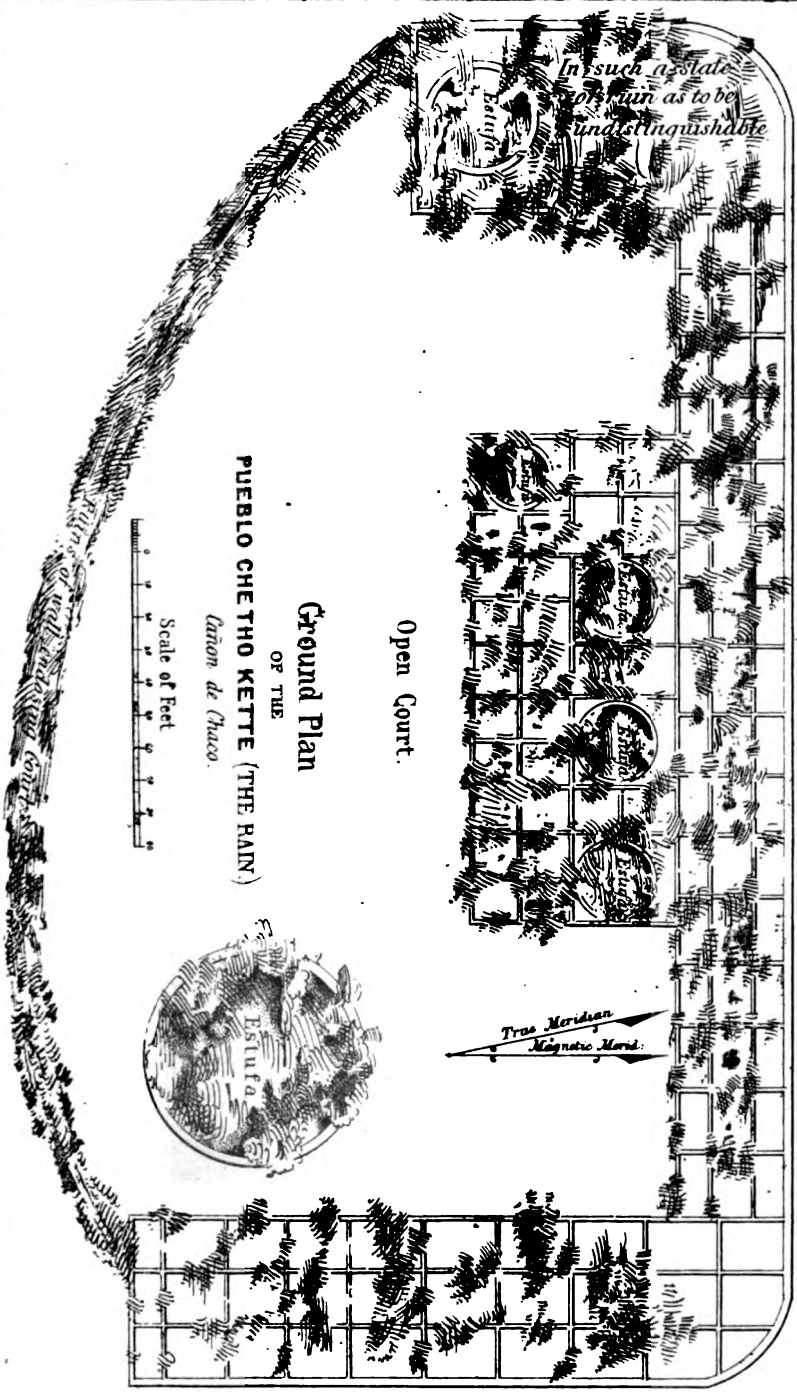
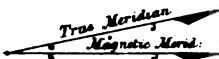
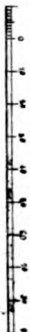
Ground Plan

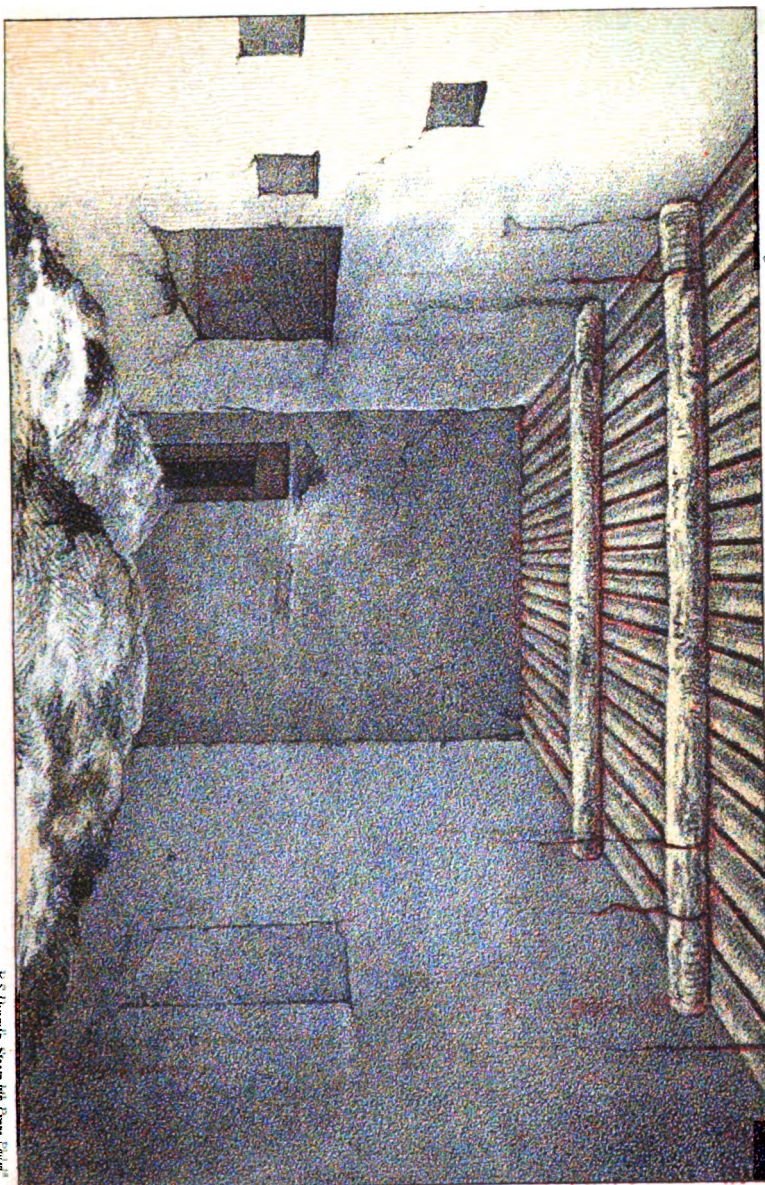
OF THE

PUEBLO CHETHO KETTE (THE RAIN)

Union de Chaco.

Scale of Feet



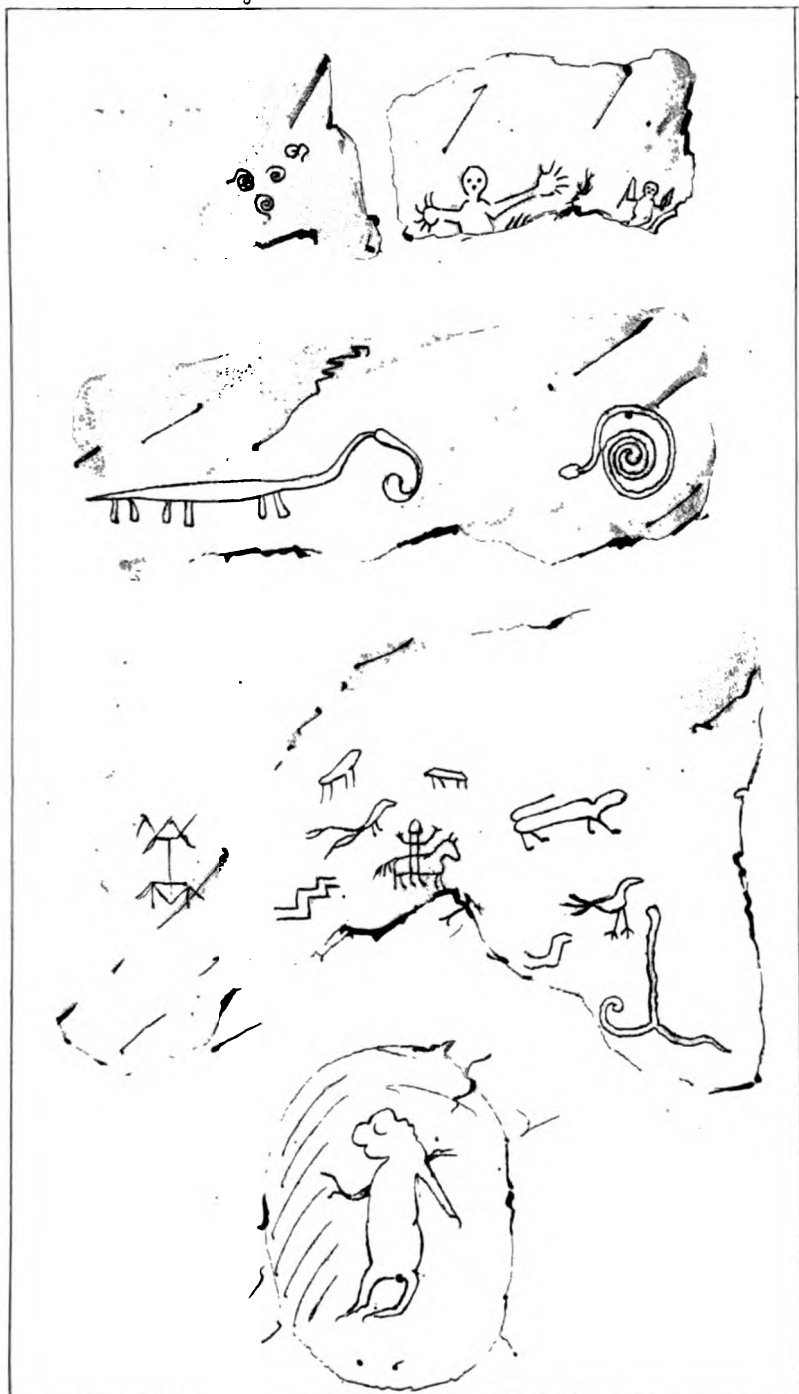


Ill Kenda

P. S. Hovels Steam Mill Press, Phila.

INTERIOR OF A ROOM IN THE NORTH RANGE OF THE PENITENTIARY AT KENTON, KY.

Aug. 20th No 5.



R. H. Kern del.

P. S. Duval's Steam Lith. Press Phil^a

HIEROGLYPHICS ON NORTH WALL OF THE CAÑON OF CHACO
Near Ruins of the Pueblo Chetho Kette.

Digitized by Google

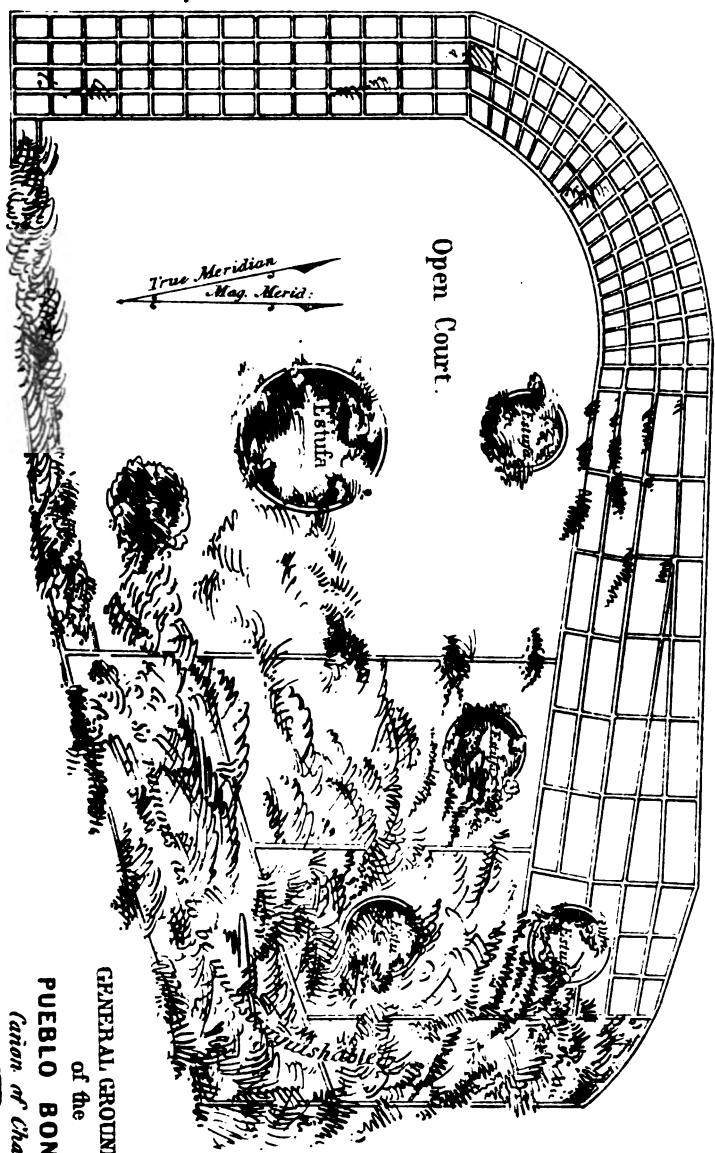


R. H. Kern del.

P. S. Dorell's Steam lith. Press Printed.

WESTERN VIEW OF THE RUINS OF THE PRECIOUS MONASTERY AND ADJACENT ROCKS, IN THE CANYON OF GRAND.

PLATE 36, N^o 6.



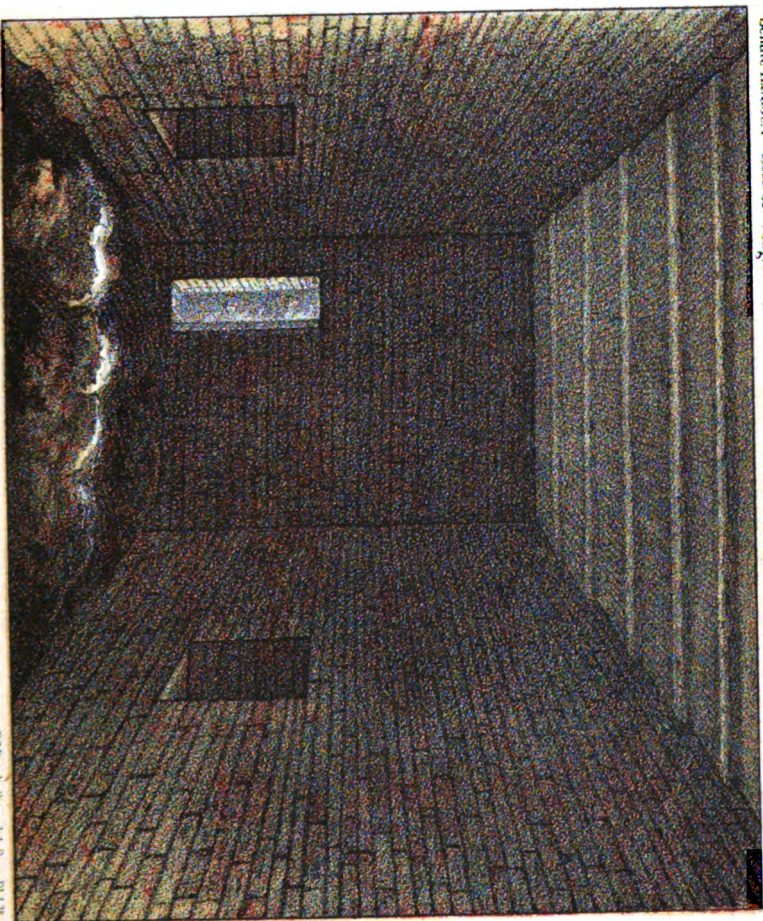
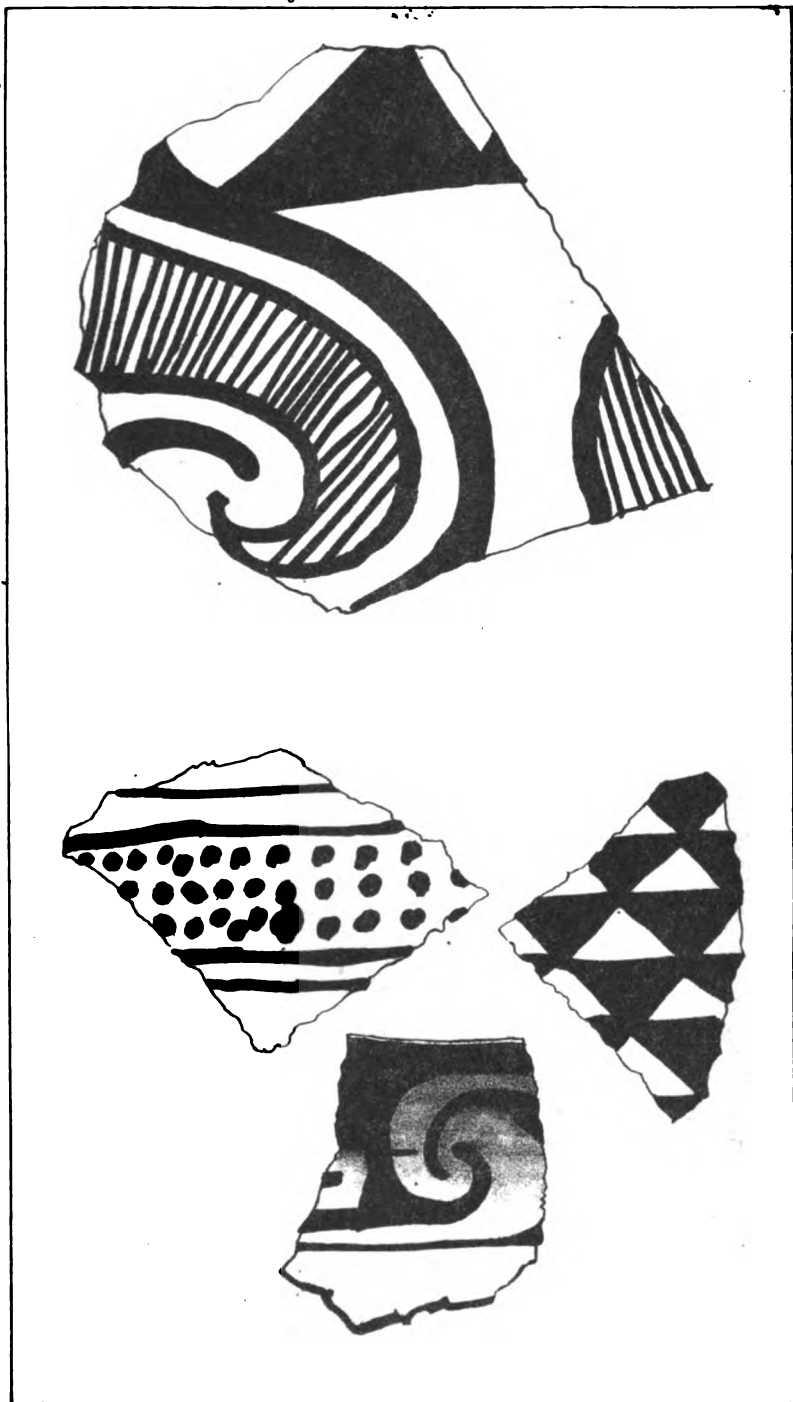


Fig. 100. 1. 11

Fig. 100. 1. 11

Illustrations of Architecture in the North Range of the United States.

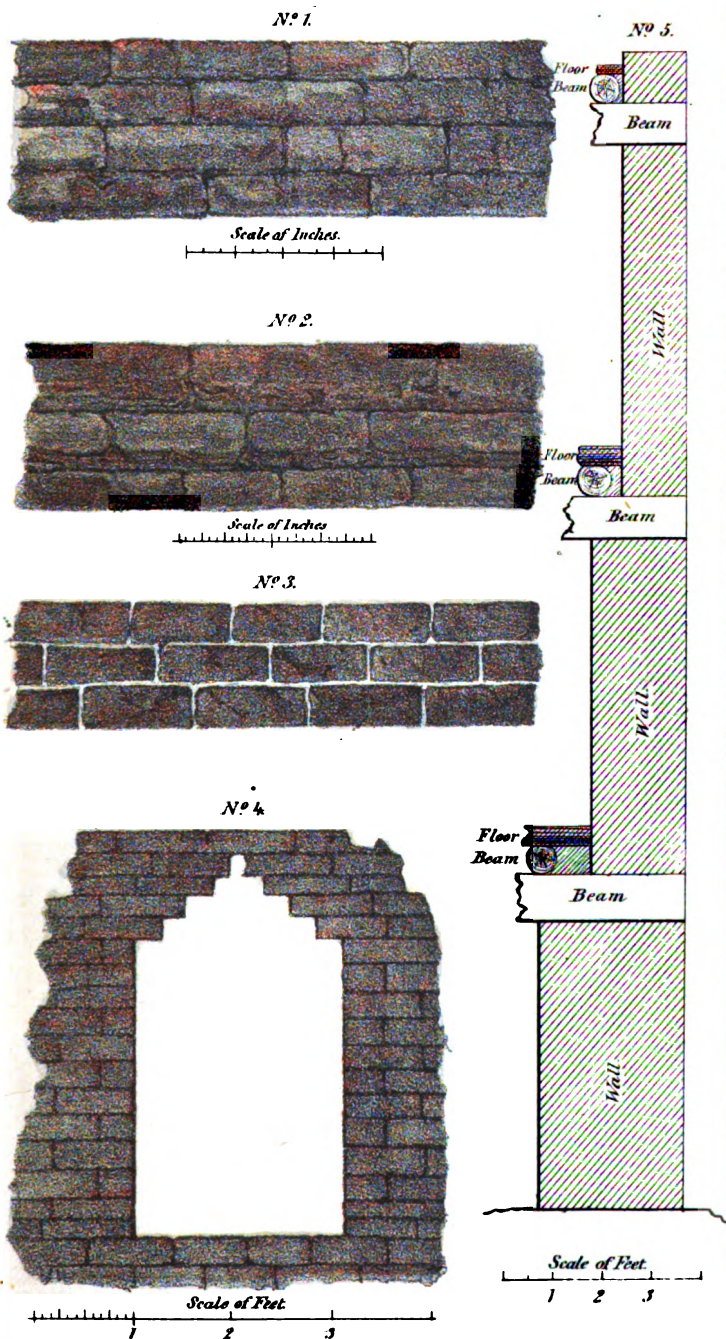
Aug. 20th N^o 6



B. H. Keen del.

P. S. Duval's Steam Lith. Press Phila.

POTTERY FOUND AT THE PUEBLO BONITO.



R. H. Kern del.

P. S. Duval's Steam Lith. Press, Philad.

MASONRY OF THE CHACO AND OTHER RUINS.



R.H. Kern del.

NATURAL SAND STONE FORMATIONS.

Printed in Colours by P. S. Duvall's

18 Duane St. N.Y.

About six miles east of Camp Hill, Aug. 29th



R. H. Kern del.

W. S. Dore's Steam Lith Press Printed.

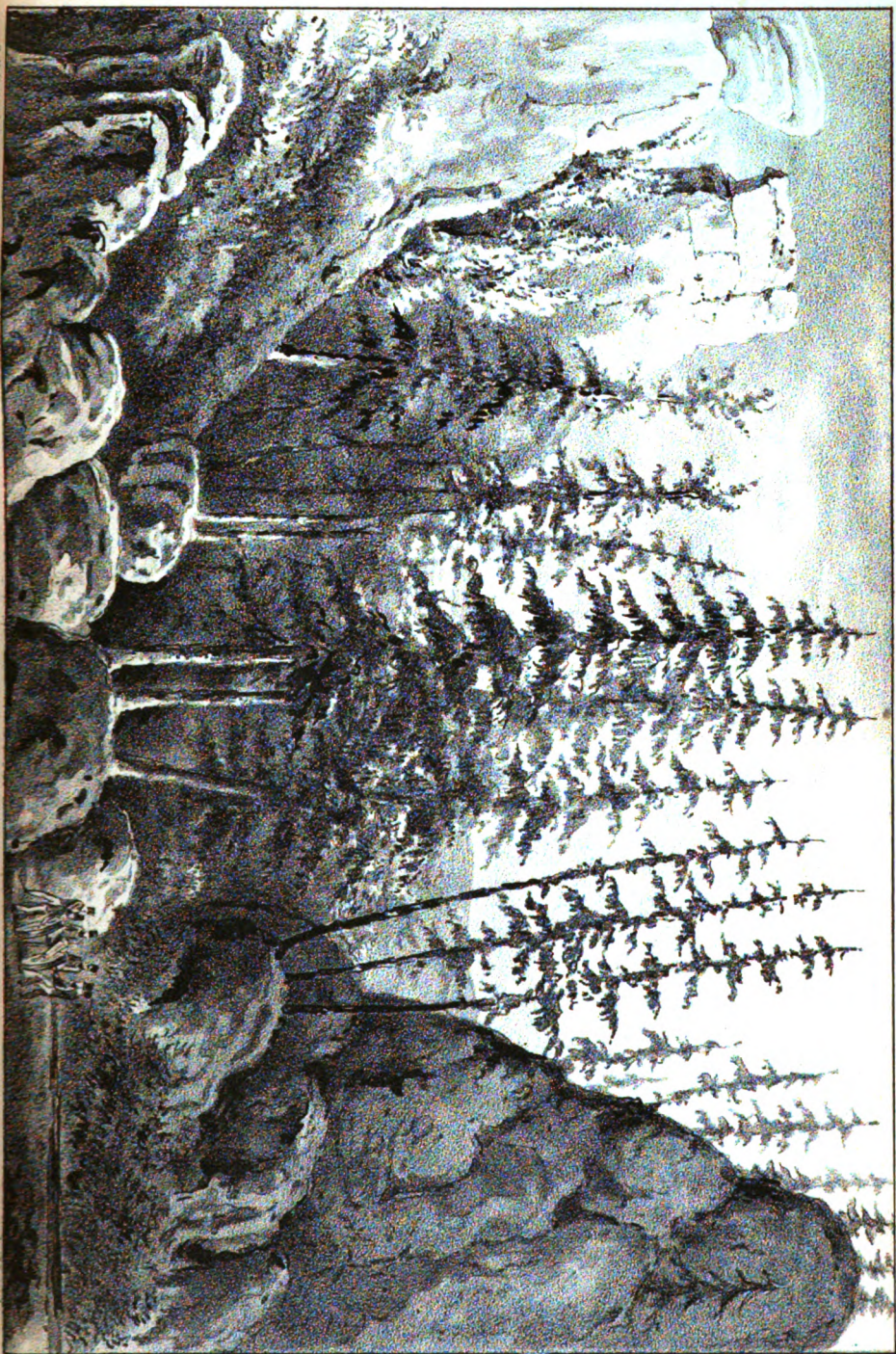


Drawn by E. M. Kern from a sketch by R. H. Kern.

P. S. Duval's Steam Lith. Press Philad.^a

NARBONA
Head Chief of the Navajos.

Aug. 31st





R.H. Kern del.

THE GRAND CANYON OF THE YELLOWSTONE

From the west face of the Teton Mountains—Sept. 3

P. S. Dineen's Steam Lith Press Philad.

PL 47.



D. H. Kern del.



R. H. Kern del.

VIEW OF THE CANYON OF THE YELLOWSTONE RIVER, WYOMING.

P. S. Dunlap's Steam Lith. press. Phila.



Drawn by E. M. Kern from a sketch by R. H. Kern.

P. S. Duval's Steam lith. Press Philad.^a

MARIANO MARTINEZ

Chief of the Navajo Indians.

Sept. 8th



Drawn by E. M. Kern from a sketch by R. H. Kern.

P. S. Duval & Steam Lith Press Philad.

CHAPATON
Chief of the S. Juan Navajos.

Sept 8th



F. M. Kern del.

P. S. Duval's Steam Lith. Press. Printed &

CHE-KI-WAT-TÉ-WA

(Yellow Wolf) a Moqui.

Sept 8th



R H Kern del.

P S Duval's Steam Lith. Press Philad.

NAVAJO COSTUME.



R.H. Kern del.

P. S. Duval's Steam lith. Press. Philad.

RUINS OF AN OLD PUEBLO

in the Cañon of Chelly. - Sept. 8th

Digitized by Google



J. H. Kern del.

P. S. Duval's steam lith. Press. Philad.

POTTERY FOUND AT THE PUEBLO,
in the Cañon of Chelly.



R.H. Kern del^l.

P.S. Duval's Steam lith. press Phil.

CAÑON OF CHELLY,
eight miles above the mouth. — Sept. 8th



R. H. Kern del.

F. S. Duval's Steam Lith. Press. Philad^a

NATURAL SANDSTONE FORMATION,

near Camp 21. Sept 11.



P. S. Duval's Steam Lith. Press Philad. a

R. H. Kern dell.

TRAP DYKE AND SAND STONE FORMATIONS.



R.H. Kern del.

NATURAL SANDSTONE FORMATIONS

F.S. Doyle Steam Jet Press Trade



R. H. Kerns del.

P. S. Duvall & Steam Book Press Philad.

PUERTO OF ZULU.



R. H. Kern del.

P. S. Duval's Steam Wh. press. Phil.

NORTH FACE OF INSCRIPTION ROCK.



P.H. Kern delr

FOR THE PRESIDENT OF THE UNITED STATES

Sept. 17.

P.S. Duval's Steam Job Press "Philad."

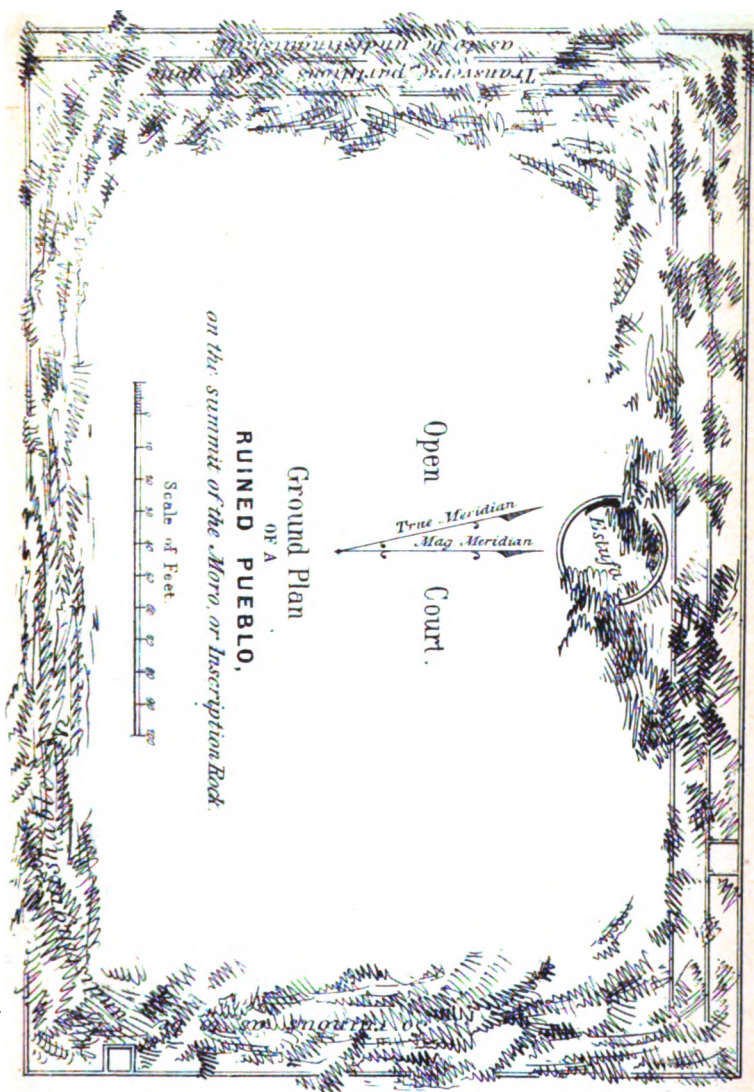


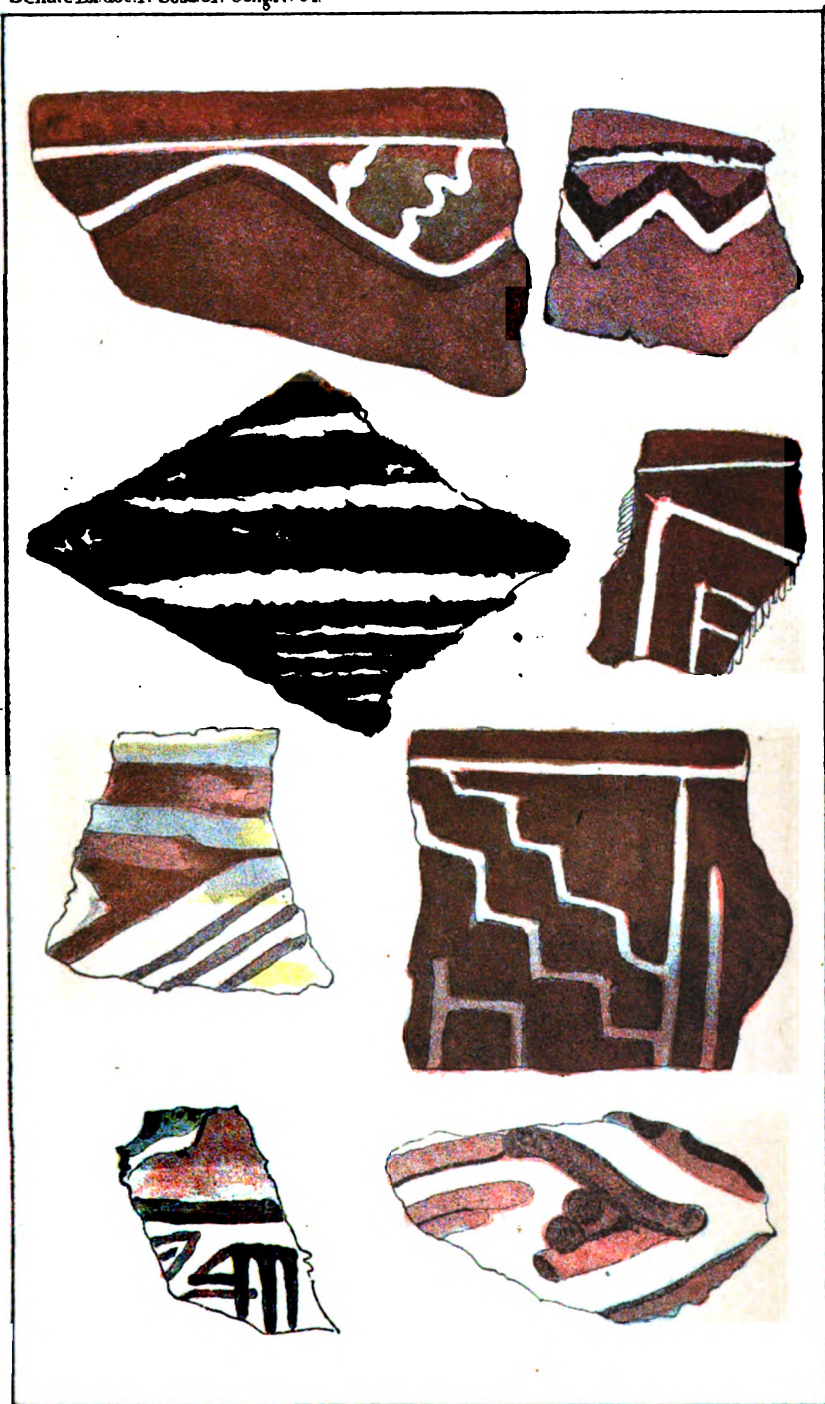
R. H. Kern delt

P. S. Duval's Steam lith. Press Philad. *

SPRING AT INSCRIPTION ROCK.

Digitized by Google





R.H. Kern del.

Printed in Colours by P. S. Duval's Steam Lith. Press Philad. "

POTTERY FOUND AT THE PUEBLO,
on the summit of the Muro or Inscription Rock.

111

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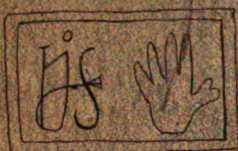
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Drawn by R. H. Kern from copies made by W. Simpson USA



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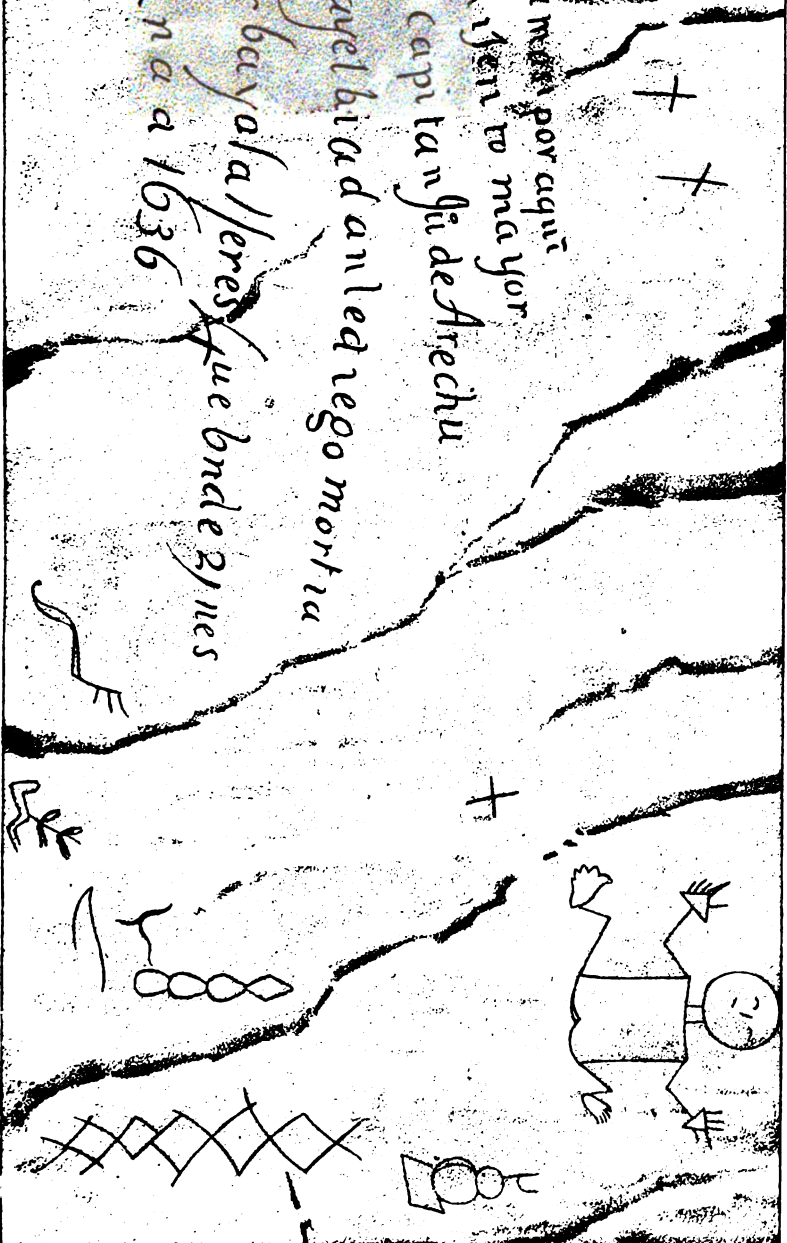
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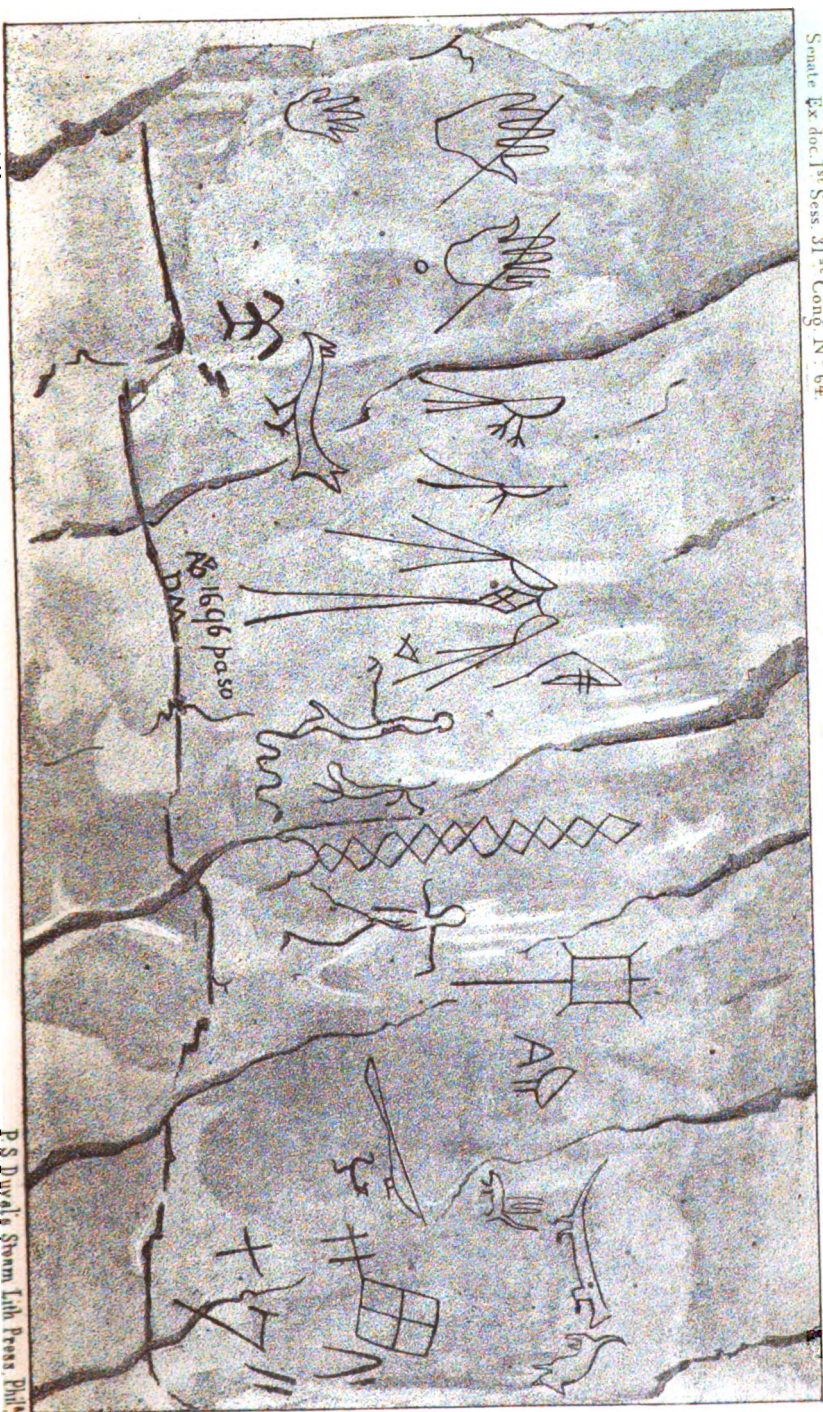


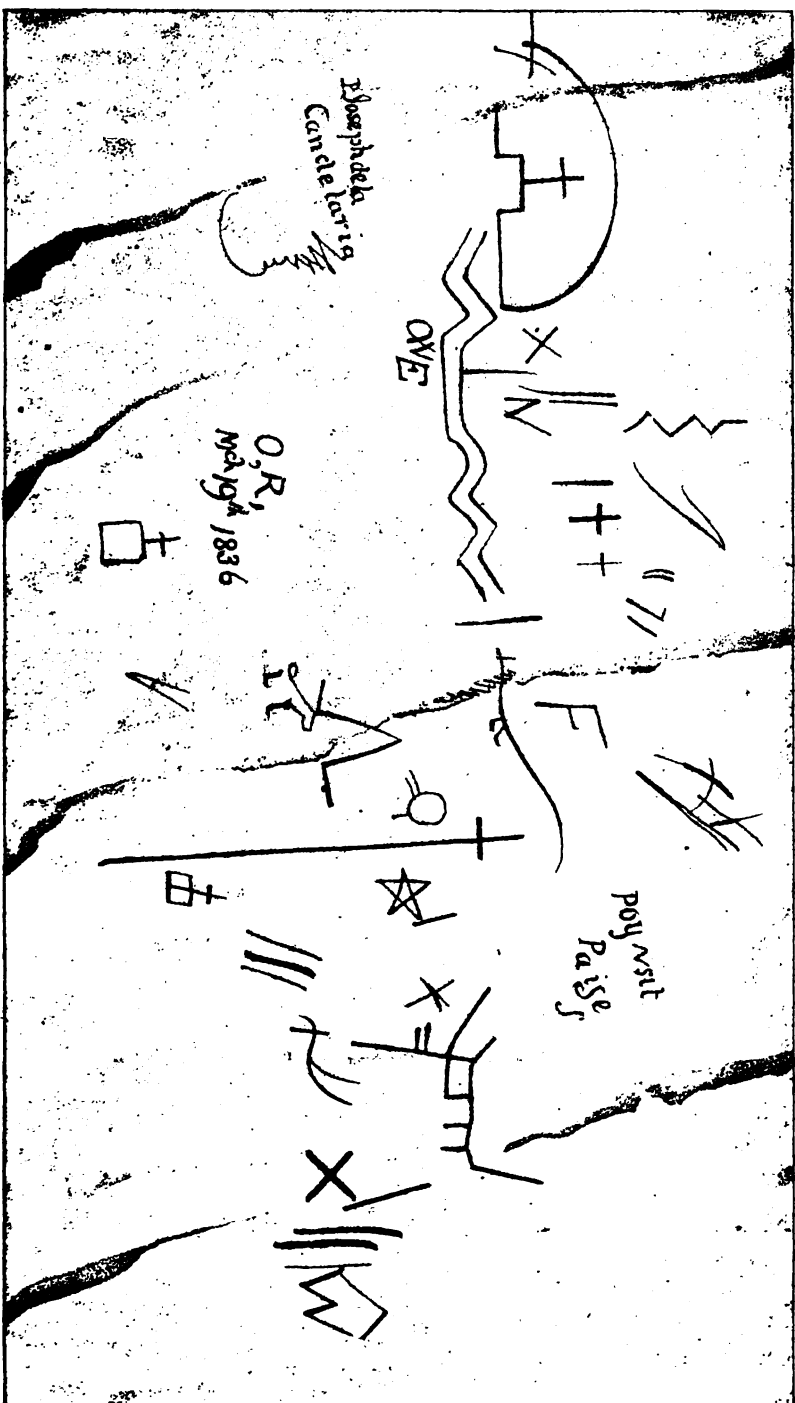
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R. H. Kern del^t

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MINERALOGY ON SOUTH FACE OF INSCRIPTION ROCK



Willow Lake

WILLIAMS TRAIL

P. S. Dwyer, Steam Mill, Trees, P. 175

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

The report of Lieutenant Webster of a survey of the gulf coast at the mouth of the Rio Grande.

JULY 17, 1850.

Read, and ordered to lie on the table.

JULY 27, 1850.

Ordered to be printed.

To the Senate of the United States:

In answer to a resolution of the Senate of the 1st instant, requesting the President to furnish the Senate with "the report and map of Lieutenant J. D. Webster, corps of topographical engineers, of a survey of the gulf coast at the mouth of the Rio Grande, and its vicinity," and in compliance therewith, I transmit, herewith, a report from the Secretary of War, accompanied by the report and map above referred to.

MILLARD FILLMORE.

WASHINGTON, July 17, 1850.

WAR DEPARTMENT, Washington, July 16, 1850.

SIR: I have the honor to acknowledge the reference to this department of the resolution of the Senate of the 1st instant, requesting the President to furnish the Senate with "the report and map of Lieutenant J. D. Webster, corps of topographical engineers, of a survey of the gulf coast at the mouth of the Rio Grande, and its vicinity," and, in compliance therewith, to transmit a communication from the chief of the corps of topographical engineers, submitting the map and report desired.

Very respectfully, your obedient servant,

G. W. CRAWFORD,
Secretary of War.

To the PRESIDENT OF THE UNITED STATES.

BUREAU OF TOPOGRAPHICAL ENGINEERS,
Washington, July 16, 1850.

SIR: In obedience to a resolution of the Senate of the 1st instant, I have the honor to submit the map and report of Lieutenant J. D. Web-

ster, corps of topographical engineers, of a survey of the gulf coast at the mouth of the Rio Grande, and its vicinity.

Lieutenant Webster speaks of two maps: these two have been compiled into one, and form the map sent with the report. He also speaks of improving or deepening the sea bar at the mouth of the Rio Grande—a plan which would involve great expense, and is of rather doubtful practicability.

Respectfully, sir, your obedient servant,

J. J. ABERT,

Colonel Corps of Topographical Engineers.

HON. G. W. CRAWFORD,
Secretary of War.

MOUTH OF RIO GRANDE, *February 15, 1848.*

COLONEL: I have the honor to forward herewith two maps. The first is of the country between the Brazos St. Iago and Burrita, on the Rio Grande, on which is laid down a location line for a road between those points. It will be seen, by a glance at the topography of the country, that the line indicated is the best, and, indeed, the only one feasible. A line of levels was run over this route, the profile of which accompanies the map, and from which it will be seen that very little grading would be required for the construction of a railroad on this route. For a common road the soil is very unsuitable, particularly between the Boca Chica bridge and Burrita. It consists of a clayey alluvion, which, while dry, answers the purpose very well, but when wet, cuts up very badly, rendering the passage of heavy wagons over it in considerable numbers very difficult. Should any improvement by this route be deemed advisable, it would seem necessary to adopt either the rail or plank road, and between the two the reasons would preponderate in favor of the former. Should the quantity of supplies to be transported be in any considerable proportion in future to what it has been during the war thus far, taking into account the cost of mule or ox teams and the high price of forage, the cost of transportation over a railroad would be less than over the plank road, while for the latter there would be required as much grading as for the former; the main difference in favor of the latter would be in the cost of the superstructure.

But I suppose the question of the necessity and usefulness of *any* road between the points indicated is subordinate to, and dependent upon, the decision of another, namely: What is the best location for the depot, at which to land the supplies for the army in the interior? and in reference to this, three projects have been spoken of. The first is to let the receiving depot remain where it is, at the Brazos St. Iago, and connect it with a point for transshipment on the river by a railroad; the second is to put the depot at Point Isabel, and run a railway thence to Matamoras; and third, to locate it at *this place*, the mouth of the river, and to bring the supplies over the bar in lighters, or else improve the entrance so as to admit the vessels into the river: and of these three schemes, each has its advocates, and reasons. In favor of the first it is said, that the Brazos St. Iago must always be the principal harbor on the gulf for the valley of the Rio Grande, on account of its superior depth of water; and that being so, it is necessary to have something better than the present imperfect and

slow means of reaching the river, which is, of course, the great internal channel of supply and trade.

On behalf of Point Isabel it is said that it is safe from the danger to which the Brazos is constantly subjected, of being overwhelmed by one of those sudden irruptions of the waters of the sea which are not unfrequent on this coast. It is said, and, indeed, I believe well known, that the Mexican settlements at the Brazos, as well as at *this place*, have been several times swept away, with great loss of life and property. Previous to 1840 there were considerable villages at these points; in that year they were entirely destroyed. Point Isabel was then made the site of the Mexican custom-house and the centre of the little commerce of this region, and remained so till the approach of General Taylor in 1846. I have not been able to gather sufficient authentic information in reference to the inundations from which so much danger is apprehended, to form a definite opinion whether the frequency of their occurrence in times past would warrant any strong apprehension of danger in future. It was said, since my arrival in the country, that the Mexicans had a notion of the recurrence of such storms every seven years, and that they were expecting one during the past summer, but it did not occur. I think the matter is not well enough understood to enable us to fix any periods of regular recurrence; and they do not, probably, occur with more regularity than other great convulsions of nature. You will recollect that Key West was nearly destroyed in this way in October, 1846. St. Mark's, also, has suffered in a similar way.

Neither of the first two projects mentioned would be entertained if the entrance to the river were as good as that to the Brazos. In that case we could dismiss the consideration of the means of overland transportation, so that if the mouth can be so improved at any reasonable expense as to admit vessels of the same draught as now go into the Brazos, the question under consideration would be very readily settled. The reasonableness of such expense will depend upon the importance of the object to be attained, and the cost of the alternatives to be resorted to if this is rejected. I think any improvement by means of permanent works, such as piers, breakwaters, and the like, is out of the question. Even if such works could be constructed, they would only push the bar farther out, where it would still present the same obstacle and make dredging constantly necessary. The water deepens very gradually, and the breeze from the southeast keeps up an almost constant surf.

It has been suggested that a channel could be opened and maintained here by dredging. I have given the subject some consideration, and think the suggestion entirely worthy of trial. I would mark out a channel by buoys, and then deepen it by a suitable dredging apparatus attached to a steamer; which should be afterwards kept in readiness to act whenever the passage should become partially closed. The bar, although hard upon the surface, is found to be readily movable, and depressions made in it by artificial means, as by a steamer, working her wheel for a long time in one place, do not readily fill up. But suppose it were found necessary to keep the dredge pretty constantly at work; the expense would be less than that involved in various ways on any other schemes to obtain the proposed end. To try the experiment, it would not be necessary to purchase a steamer. The United States has several in service here, to either of which the dredging apparatus could be attached.

Should the experiment proposed be found successful, I would recommend that the depot be located near the point where the location line on map No. 1 leaves the river opposite Burríta. The high lands there are secure from the irruption of the waters of the gulf, and there is reason enough to apprehend the recurrence of such a disaster to make it prudent to adopt a location not liable to the danger. There is always water enough in the river for any vessels that could come over the bar after its improvement as proposed, to go up to that place. On other accounts, too, that location would be preferable. We have a strong indication in the increase of trade, since the Americans have had possession of the country, of what may be expected in future. Somewhere in this neighborhood there must be before long a thriving town—the centre of an important and extensive commerce. And lower down than the point indicated, there is not a convenient and clearly safe position for a commercial or army depot.

Should the plan of deepening the channel at the entrance of this river succeed, the saving to government would be very great. In my letter of the 25th of July, I stated that the expense of transporting the army supplies from the Brazos St. Iago to this place had been for many months upwards of \$30,000 per month. Very nearly that amount would be saved in that one item, besides most of the other expenses of maintaining the large receiving depot at the Brazos, which would be discontinued. I beg leave to report the recommendation of the trial of such experiments as will test the feasibility of the plan.

Map No. 2 exhibits the result of the survey directed by the second part of my instructions. The country embraced in it is a plain, slightly varied by shallow basins and low hills; the latter not often exceeding thirty feet in height, and apparently composed of the same material as the soil of the plain, a clayey alluvion. There is no rock in place; not a pebble, nor even sand, except along the gulf shore.

I am informed that during the rains and times of high water in the river, large portions of this district are overflowed. Shortly after the battle of Palo Alto, the water was two feet deep on the ground where it was fought. The figures on the river mark the depth of water in feet at the time of survey. All accounts agree in representing the depth of water, or rather the position of the bars, as very variable. It can scarcely be otherwise, flowing, as this river does, through a flat alluvial country, the banks being readily abraded by the ordinary current, to say nothing of the sudden rises from rains or melting of the snows in the mountains. At present, although low, the river is considered to be in a pretty good state for navigation, affording four feet to Matamoros. The distance from the mouth to that place has been greatly overestimated; it is fifty miles by the survey.

Along the banks of the river there is a narrow belt of chaparral, consisting mainly of species of acacia. Settlement and cultivation are confined to this space. The soil appears to be of excellent quality, and when there is rain sufficient, yields abundantly. Cotton, sugar, and maize are the principal crops. Herds of horses, mules, and horned cattle range the prairies, which are covered with a coarse and weedy vegetation. Of the wild animals the most noticeable are the deer, (*C. Virginianus*), the armadillo, the tiger cat, and the peccary or wild hog. There are also wild turkeys, quails, two species of pheasants called the paisano and the chà-chà-lac-ca, and numerous smaller birds.

The soundings on the maps are reduced to low water. An average

tide is about eighteen inches. The forms of the bars at the Brazos and the mouth of the river are indicated by the dotted lines. At the former place there are about eight feet water on the bar at a good tide, and at the latter about four feet. The interior lagoons, on which no sounding lines are put down, are shallow—about two feet generally. The banks of the river increase in height as we ascend the stream, till from two feet at this place they reach the height of fifteen above low water at Fort Brown. In 1846, even that height was overflowed.

I am, very respectfully, your obedient servant,

J. D. WEBSTER,
Lieutenant Topographical Engineers.

Colonel J. J. ABERT.

BRAZOS ST. IAGO, *February 21, 1848.*

COLONEL: It has struck me, that from my letter of the 15th instant it might be inferred that I was very confident of the feasibility of the project therein suggested of deepening the water on the bar of the Rio Grande. I wish to be understood as expressing an opinion of the very great desirableness of such an improvement. While I see many difficulties that will arise from the action of the surf and currents, &c., I yet deem it worth while to try the experiment, and should have hopes of its success.

I am, very respectfully, your obedient servant,

J. D. WEBSTER,
Lieutenant Topographical Engineers

Colonel J. J. ABERT,

Corps of Topographical Engineers, Washington.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

WITH

Papers supplementary to the report of Lieutenant Webster.

AUGUST 26, 1850.

Ordered to be printed in connexion with the report of Lieutenant Webster heretofore received.

AUGUST 28, 1850.

Ordered that 1,500 additional copies of this, and the report to which it is supplemental, be printed for the use of the Senate.

To the Senate of the United States:

I have the honor to enclose herewith a letter just received from the Secretary of War, transmitting a communication from the colonel of the corps of topographical engineers, with accompanying papers, which he requests may be taken as a supplement to the "report and map of Lieutenant J. D. Webster, corps of topographical engineers, of a survey of the gulf coast at the mouth of the Rio Grande, and its vicinity," called for by a resolution of the Senate of the 1st of July last.

MILLARD FILLMORE.

WASHINGTON, August 26, 1850.

WAR DEPARTMENT, Washington, August 26, 1850.

SIR: I have the honor to transmit, herewith, a communication from the colonel of the corps of topographical engineers, with accompanying papers, which he requests may be taken as a supplement to the "report and map of Lieutenant J. D. Webster, corps of topographical engineers, of a survey of the gulf coast at the mouth of the Rio Grande, and its vicinity," called for by a resolution of the Senate of the 1st of July, and submitted to you by this department on the 16th of that month.

Very respectfully, your obedient servant,

C. M. CONRAD,
Secretary of War

TO THE PRESIDENT OF THE UNITED STATES.

BUREAU OF TOPOGRAPHICAL ENGINEERS,

Washington, August 24, 1850.

SIR : A resolution of the Senate of the 1st July called upon "the President to furnish the Senate the report and map of Lieutenant J. D. Webster, corps of topographical engineers, of a survey of the gulf coast at the mouth of the Rio Grande, and its vicinity."

In obedience to this resolution, I had the honor to submit to the consideration of the War Department, on the 16th of July, a copy of the report and map called for.

Since then the attention of this bureau has been called to a communication from Lieutenant Webster, on the same subject; but which, because of its date and the place from which it was written, had been accidentally omitted in the report of the 16th July from this office. As a supplement to that report, I have now the honor of submitting a copy of the letter from Lieutenant Webster dated at Tampico, May 17, 1848, and of the papers he sent with it.

Respectfully, sir, your obedient servant,

J. J. ABERT,

Colonel Corps Topographical Engineers.

Hon. C. M. CONRAD,

Secretary of War.

TAMPICO, MEXICO,

May 17, 1848.

COLONEL: The enclosed papers, relating to the inundations of the Brazos island and vicinity, were received shortly before I left Matamoros. My attention was directed to the subject shortly after arriving in Mexico last summer; but I had no opportunity of getting definite information upon it until after the completion of my survey and report. Indeed, for a while I had been led to believe that it was of no great importance. But upon going to Matamoros the last time, and conversing with some of the oldest residents and most respectable persons there, I was led to think the matter demanded serious attention, and I accordingly collected a good deal of information in conversation with various persons, intending to send an abstract of it to you in my own words. But, finding that the question of this location of posts and depots in that district might affect some individual or private interests, I took measures to procure distinct statements from reliable sources. A portion of the results appears in the papers herewith transmitted. They seem to agree in their general import, notwithstanding slight discrepancy of dates. Indeed the opinions and views set forth seemed to be universal among those best qualified to judge; and had I deemed it advisable or necessary, a much greater amount of testimony to the same effect could have been procured. However difficult it may be to account for, it seems pretty well established that that portion of the coast of the gulf is more subject than others to these devastating inundations. The greater part of Brazos island is so slightly elevated above the water, (from two to four feet,) and is composed of sand so readily movable, that I think it could not be made secure except at great cost. Whether, under these circumstances, it is prudent to retain it as the position for the receiving depot for the army supplies, is a question for the department to decide. I have a pretty strong feeling of its in-

security. Point Isabel is not open to the same objection, being sufficiently elevated to secure it from danger from these inundations. But, as vessels cannot go up to that place with the same water that they can carry over the bar of the Brazos St. Iago, it would be necessary to lighten them while lying in the same harbor as is now used.

Another consideration which bears upon the subject is that of the location of the principal military post in that section, should the Rio Grande be the boundary. Various circumstances seem to point to a position opposite Matamoros, near Fort Brown. Should that place be adopted, the conditions of transporting supplies to that point and above would be about the same by adopting Point Isabel or the receiving depot as they are at present, and this is the arrangement which appears most advisable. Although this matter was not specifically included in my instructions, it is yet so nearly related to the subject of them that I thought it my duty to notice it.

I am, very respectfully, Colonel, your most obedient servant,

J. D. WEBSTER,

Lieutenant Topographical Engineers.

Colonel J. J. ABERT,

Commanding Corps Topographical Engineers.

P. S.—The papers enclosed herewith are:

1. Letter from M. Bonsignes, vice consul of France.
2. Letter from Don J. J. Lopez, vice consul of Spain.
3. Letter from Dr. L. Balandier, long resident at Matamoros, where he has devoted great attention to scientific subjects.

[Translation.]

VICE CONSULATE OF FRANCE,

Matamoros, April 5, 1848.

SIR: I have duly received the letter which you did me the honor to write yesterday; also the note of the 3d instant addressed by you to Colonel Davenport, containing the points upon which you desire information. It is with pleasure that I hasten to furnish you on this subject with such facts as present themselves to my memory.

I know positively that, since the year 1829, there have been on the coast of the Brazos de Santiago, and the mouth of the Rio Grande, seven hurricanes, which happened, as well as I remember, in 1829, 1831, 1834, 1837, 1838, 1840, and 1844. These hurricanes have caused inundations more or less considerable from the sea, which carried the vessels in port a distance of two or three miles inland, and destroyed, almost every time, the principal parts of the establishments that were either on Brazos island or at the mouth of the Rio Grande.

The hurricanes of 1831, 1837, and 1844 are, I believe, those which caused the greatest damage in the places named, and have caused (particularly the last) more danger to human life. It was only by taking refuge on the highest of the sand-hills that the inhabitants were enabled to escape the dangers of inundation.

The warehouses which the Mexican custom-house had at the Brazos and the mouth were destroyed, I believe, before 1837, by the previous hurricanes.

Ex.—2

It has always been considered imprudent by the people of the country to establish any buildings on the margin of the sea, in the places above mentioned, on account of the frequency of the storms, accompanied by inundations of the sea. The Mexican government, after 1844, did not permit any establishments on the coast, and withdrew its custom-house sections from the Brazos and mouth of the river to the hills of the Burrita and Point Isabel.

Such, sir, I believe is about all that I am able to answer to the questions contained in your note.

Accept the assurances of my distinguished consideration.

M. BONSIGNES,

Vice Consul of France ad interim.

Lieut. J. D. WEBSTER, *Corps of Engineers, U. S. A.*

[Translation.]

VICE CONSULATE OF SPAIN,

Matamoros, April 5, 1848.

I have the pleasure to acknowledge the receipt of your communication of the 4th instant, and of giving my opinion on the information you there-in solicit.

It is, unhappily, not in my power to impart any very satisfactory information.

I have lived in this city since the year 1830, and have known, during that time, the insecurity of the places at the mouth of the Rio Grande and Brazos Santiago, which are constantly exposed to equinoctial gales, earthquakes, and commotions, more or less considerable.

In former years rather considerable settlements grew up at both points, which the various commotions have successively destroyed.

The most destructive storms since the epoch I have referred to were in August, 1831, September, 1834, October, 1837, September, 1842, through which have successively been destroyed the storehouses erected by the Mexican government, and private houses, with the loss of some lives, until the 4th of August, 1844, when a hurricane made an end of everything to be found at the above-mentioned points, involving in the catastrophe about seventy victims.

It has been generally observed that the strongest commotions have occurred with intervals of four or five years.

It has been seen that on the whole coast to the south of Brazos Santiago, and the mouth of the Rio Grande as far as the point called "El Barril," the water has risen, during the various storms, to the distance of a league and more from the coast.

The insecurity of the coast which is thence made manifest, and which I have constantly observed, is such that I am not able to propose any system or arrangement for affording security to the lives and property of the inhabitants of said places.

This is the whole of the information which I can impart in answer to your communication. I assure you of my particular esteem and consideration.

J. JOSÉ LOPEZ, *Vice Consul.*

Lieutenant J. D. WEBSTER,
Corps of Topographical Engineers.

[Translation.]

MATAMOROS, April 6, 1848.

SIR: I have received your note of the 4th instant, accompanied by the recommendation of Colonel Davenport, and hasten to reply.

I hope, sir, that the facts mentioned below, although not fully detailed, may be of some service to you.

I have the honor to be, with respect, your obedient servant,
LS. BALANDIER.

To Lieutenant J. D. WEBSTER,
Of the Corps of Engineers.

The epoch of the inundations caused by storms on this coast is variable; but in general, with very few exceptions, they happen every three or four years, from the month of August to October. The inundations of the Rio Grande have very little to do with the damage done by the sea, either at the Brazos de Santiago or the mouth of the river. Those of the coast are caused by storms which take place near the West Indies or in the gulf, especially when the east wind has prevailed for a long time and with force. One single storm has been, according to my observations, caused by the rarefaction of the atmosphere on the continent itself.

2d. As to the damage done under these circumstances, I will state the following facts:

In 1831 a schooner anchored at the Brazos was thrown high and dry. The goods that had been landed were dispersed by the waves and driven to a great distance.

In 1835 the vessels that were unloading in the same place were driven completely out of the water; and one in particular was driven a distance of three miles from the place she was at anchor.

In 1837, the first days of the month of October, and particularly on the night of the 2d and 3d, the little town at the Brazos, then only composed of from twenty-five to thirty houses, was destroyed, with the exception of three. The Julius Cæsar, which was then at anchor inside of the river, was driven a distance of two miles to the southwest. The whole of the land comprised between the Brazos, Boca Chica, and the mouth of the river, was inundated as far as the hills of the Burrita; whole cargoes from the storehouses were carried a distance of several miles to the westward; the detachment stationed on the coast was obliged to take refuge for three days and nights on some high sand-hills which the waves had not time to wash away.

Finally, the storm of the 4th and 5th of August, 1844, although very little rain fell, was the most terrible and destructive of any. At that epoch the Brazos de Santiago was but scantily inhabited, but at the mouth of the river there were a great many houses. In a single night everything was carried away by the waves of the sea, which different winds, from the east-northeast, east, and east-southeast, drove up on the coast. Near forty persons lost their lives in this catastrophe; and those that escaped lost their all, as not a vestige of a single house remained either at the Brazos or at the mouth of the river. The waters of the sea were forced up three leagues from the beach.

It was at this time that the government ordered the officers of the customs to retire to Point Isabel and the Burrita. In fact, since 1837 the custom-house has had no stores at the Brazos de Santiago.

3d. From the facts above cited, it is easy to judge of the security of any establishment founded either at the Brazos island or at the mouth of the Rio Bravo.

If we go back only a period of twenty years, we can cite the storms of 1829, 1831, 1835, 1837, 1840, 1844, the destruction and suffering caused by which, only within a very short time, will be found quite sufficient to induce any government, which does not wish to sacrifice the lives and fortunes of its citizens, to hinder them from settling on places exposed to such catastrophes

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

RELATIVE TO

The searching of American vessels by British ships of war.

AUGUST 2, 1850.

Referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

I herewith transmit to the Senate, in answer to its resolution of the 5th instant, requesting the President to communicate to that body "any information, if any has been received by the government, showing that an American vessel has been recently stopped upon the high seas and searched by a British ship of war," the accompanying copies of papers. The government has no knowledge of any alleged stopping or searching on the high seas of American vessels by British ships of war, except in the cases therein mentioned. The circumstances of these cases will appear by the enclosed correspondence, taken from the files of the Navy Department. No remonstrance or complaint, by the owners of these vessels, has been presented to the government of the United States.

MILLARD FILLMORE.

WASHINGTON, July 30, 1850.

UNITED STATES SHIP "PORTSMOUTH,"

Porto Praya, June 8, 1850.

SIR: I have the honor to enclose you herewith Commander Powell's report of his doings on the southern station, and copies of his correspondence, &c., numbered from 1 to 11, 13 to 18; also the affidavits of Captain R. J. Clark and Mr. H. C. Raymon, of the barque "*Navarre*," which vessel was captured by a British cruiser.

Commander Powell sent to me by the "Perry" three seamen, who were on board the "*Navarre*" at the time of her capture. I have taken their depositions, and forward them also.

Lieutenant Commanding Foote informed me that, when the officers and crew of the "*Navarre*" were brought into port, neither the captain nor mate came near him, though the crew all took refuge on board his vessel. Lieutenant Commanding Foote sent to Captain Clark, inviting him to come on board, if he had any complaint to make. He did not present himself. There can be no question of that vessel having been designed

for a slaver; and, had the "Perry" not been on the coast, the captain would not have been frightened into the abandonment of his vessel. Besides the cases mentioned by Commander Powell of the "Louisa Beaton" and "Catharine," some others have come to my knowledge of improper interference with our flag. Prompt notices will be taken of these matters. Commodore Fanshawe has evinced the greatest desire to avoid any difficulty with our flag, and, I am quite sure, will give ample satisfaction for every wrong done, and prevent the recurrence of any for the future. The position taken by Commander Powell and Lieutenant Foote will, of itself, insure the observance of proper respect to our flag. It is my intention to proceed directly to the south coast, and take all these matters under my own superintendence. The information you receive from the several reports now made will show you how shamefully our flag has been used for the purpose of carrying on the slave trade; and should you determine to continue our cruises on the southern station, you will see the necessity of providing for their support, without losing two-thirds of their time in coming here for supplies. There seems to me no better way than sending one of the public store-ships to remain on that part of the coast, and to be relieved at proper intervals of time by others with supplies, as they may be required. Such a vessel would act even as a cruiser, and be of as much service as a regular ship of war, besides affording a comfortable retreat for the sick. I would even recommend that one of the small vessels of war be detached, and a store-ship substituted in her place, with such a number of light guns as she might be able to carry. In that way, the magnitude of our force would be maintained, and its efficiency ample as it is now.

The British government have broken up the famous slave station at Gallinas; and so entirely abolished is the traffic in slaves, this side of Cape St. Paul's, that they cruise for its prevention to the eastward of that cape only.

If our vessels are to be continued south, and obliged to leave that coast for supplies, Rio Janeiro or Bahia would be more convenient than this place, and would keep the vessels constantly upon the track of the slavers.

I have the honor to be, very respectfully, your obedient servant,

F. H. GREGORY,

Commanding African squadron.

HON. WM. BALLARD PRESTON,

Secretary of the Navy, Washington, D. C.

UNITED STATES SHIP "JOHN ADAMS,"
Off Ambriz, southwest coast of Africa, April 19, 1850.

COMMODORE: I have the honor to report the proceedings of the United States ship "John Adams," under my command, since sailing from Porto Praya, in obedience to your orders of the 6th of February last.

We touched at Monrovia, Liberia, (for kroomen and wood,) on the 17th, and sailed thence on the morning of the 21st of February. We passed close to Cape Palmas, without communicating, and shaped a course down the Gulf of Guinea. On the 10th of March anchored at Prince's island, where I remained until the 16th to refresh the crew and water ship.

As we left, on the morning of the day last named, we fell in

and communicated with the "Yorktown," Commodore Marston, bound into West Bay; all well. The course was shaped for Cape Lopez, on the coast of Africa, along which we ran, when the wind would serve, until the night of the 3d of April, when we anchored off Ambriz, and the next morning fell in with the "Perry."

The British war-steamers "Cyclops," Captain the Hon. G. F. Hastings, senior officer of the southern division, and "Rattler," Commander A. Cummings, came into the anchorage in a day or two. The French war-steamer "Caymau" also made the anchorage the night of the day that we arrived.

I entered immediately into friendly intercourse with the commander of each of the vessels named, during which I was made acquainted with the recent cases of capture of the vessels that make the subject of the correspondence I have the honor to forward to you.

I understand that two of the captured vessels have never been sent in for adjudication after capture. One of them, the "Rowena," was set fire to and destroyed by the British commander at her anchors, off Ambriz, because she was thought unseaworthy. She had put in for repairs, as the master reports. The fate of the other is not known.

Understanding from Captain Hastings that he designed to despatch a cruiser to Commodore Fanshawe (supposed to be at St. Helena) with the correspondence, and believing myself that this is too grave a matter for adjustment by a subordinate, I informed him that the "Perry" should convey the intelligence to you. In the mean time, affairs will wear a more favorable aspect for the interests of our commerce generally; and those doubtful cases, hitherto decided so summarily, may be guarded by the presence of American authorities, to which I am persuaded the British officers would gladly refer.

Leaving the "Perry" before Ambriz, in friendly co-operation with the British senior officer, I proceeded to Loando, some sixty miles to the southward, for information and for water. Here I met the master of the "Navarre," who, after the delay of several days, (he said he had been indisposed,) came on board and made before me the affidavit filed amongst the papers forwarded. I had received the mate on board at Ambriz.

Having accomplished the object of my visit to "Loando," I sailed on the 17th of April to rejoin the "Perry" and despatch her to you. This was effected on the 19th. She was still in company with the "Cyclops," the commander of which vessel (the Hon. G. F. Hastings) sent me a communication relative to the boarding of the "Louisa Beaton" by the "Flying Fish." You will of course decide whether the explanation be of a satisfactory nature. But, at all events, the object is in the main attained, when the parties are thus held to account for their alleged violation of our maritime rights.

On the 1st of April, according to the estimate of the purser, we had four months' provisions on board, with the exception of bread and rice, of which there were but three. Since that period I fell in with an American trader and procured bread enough to make up the fourth month, and rice can be had on the coast; so that, if the provision prove good, we can keep the station until the 1st of June next, by which time you may possibly have at your disposal (if such be your desire) a vessel to replace us. The English force on the southwest coast is a large one—

"Cyclops" and "Rattler" (steamers) I found here; "Pluto" (steamer) at the Congo; "Centaur" and "Gladiator" passed to the southward just prior to my arrival; "Water Witch" (brig) is off Benguela; "Flying Fish" (brig) off Kabenda; doubtless others—for information of which I respectfully refer you to Lieutenant Commanding Foote. These vessels have all made captures, and some of them of several vessels claiming, in the first instance, American nationality—in short, capturing under the circumstances set forth in the papers submitted to your consideration. Nor do I see any permanent remedy for it (unless approved) but the presence of an American force.

Our people are thus far healthy; and, up to this day, I have found the climate good. The officers are well.

I have already troubled you with a large correspondence, and will therefore conclude with the assurance that I am, commodore, very respectfully, your most obedient servant,

L. M. POWELL,
Commander.

Commodore FRANCIS H. GREGORY,
*Commanding United States naval forces
on the west coast of Africa.*

UNITED STATES SHIP "JOHN ADAMS,"
Off Ambriz, southwest coast of Africa, April 19, 1850.

COMMODORE: I have the honor to forward such papers of the barque "Navarre" as the late master, Clark, was able to put into my hands; also the shipping articles, preserved by the mate, Raymon, to be filed with the affidavits and sent to the Secretary of the Navy, at his request.

They are numbered from 1 to 10, with a receipt explaining the same.

I am, very respectfully, your most obedient servant,
L. M. POWELL, *Commander.*

Commodore F. H. GREGORY,
*Commanding United States naval forces
on the west coast of Africa.*

ST. PAUL DE LOANDO, April 16, 1850.

Received of Captain Robert J. Clark, late master of the American barque "Navarre," of Philadelphia, the following list of papers pertaining to the said barque, purporting to be—

1. Crew list, Rio de Janeiro, 28th December, 1850, signed at the United States consulate by Carlos Raynsford, for United States consul;
2. Crew list, Santa Catharina, 15th January, 1850, signed at the United States consulate by Robert S. Cathcart, acting United States consul;
3. Certificate of crew list, Santa Catharina, 15th January, 1850, signed at the United States consulate by Robert S. Cathcart, acting United States consul;
4. Bill of health, Santa Catharina, 15th January, 1850;
5. Certificate of the nationality of the American barque "Navarre," Santa Catharina, 15th January, 1850, signed at the United States consulate by R. S. Cathcart, acting United States consul;

6. Clearance from custom-house, January 15, 1850;
7. Bill of hospital tax, January 15, 1850;
8. Consul's bill for papers, &c., 15th January, 1850, signed by R. S. Cathcart, acting United States consul;
9. Certificate of deposit of substituted register and shipping papers in the United States consulate at Santa Catharina, signed by R. S. Cathcart, acting United States consul;
10. Certificate of increase of crew list, signed at the United States consulate at Santa Catharina, by R. S. Cathcart, United States consul.

Together with the shipping articles received from the mate at Ambriz, and also sundry old papers found in the said barque "Navarre" (subsequent to his purchase of her) by Captain Clark.

L. M. POWELL,

Commander in the U. S. navy, and com'g U. S. ship "John Adams."

ST. PAUL DE LOANDO,

United States ship "John Adams," April 17, 1850.

SIR: I herewith enclose a receipted list of papers left in my hands by you yesterday.

I also take this occasion to certify that you made a protest to me, in full, setting forth the illegal capture, by her Britannic Majesty's steamship "Firefly," of the American barque "Navarre," of Philadelphia, of which you are the late master.

Very respectfully, your obedient servant,

L. M. POWELL, *Commander.*

Capt. ROBERT J. CLARK,

Late master of the barque "Navarre," St. Paul de Loando.

U. S. "SHIP JOHN ADAMS,"

At sea, off Ambriz, April, 1850.

COMMODORE: I forward for your information the accompanying correspondence with the commanders of her Britannic Majesty's cruisers named therein, touching the capture of several vessels claiming to be American, but said to have been seized under Brazilian colors, as Brazilian property, by the officers of the British cruisers, after the American flag had been struck; and also the complaints of some of the captured parties, together with those of two masters of American merchant vessels, the only two I have fallen in with on the southwest coast of Africa.

The list of captures, for which I beg to refer you to Lieutenant Commanding A. H. Foote, who furnished me with it, may be deemed a large one; and the cause of capture, so far as set forth in the enclosed reports of British officers, seems to be inadequate and insufficient. Under this impression I have interposed, so far as the very imperfect information, received for the most part from the British commanders, would justify the interposition.

That our flag is used and abused for the purpose of sheltering the African slave trader, both here and on the coast of Brazil, is a shameful truth—by Brazilians, and other foreigners, to evade the British cruisers;

and by our own people, to cover foreigners and their property from search and capture, when the latter were destined for the slave trade. But this, though unlawful before an American tribunal, gives no right to a foreign officer to visit, search, and seize an American vessel; nor has this been the plea for seizure, but quoted to strengthen the alleged cause, to wit: "false American papers"—to sustain which allegation, not a tittle of evidence other than assertion has been adduced.

In the mean time, several vessels under the flag, with American master, mate, and crew, proper log-book, and "American papers," are boarded, the papers declared "false," and another nationality set up, seemingly for the sole purpose of seizure. For why should another party volunteer to be seized as a guilty party? The vessel is "seized accordingly," sent up to St. Helena, and in ten days thereafter passes through the court.

These entire proceedings appear to me to be so irregular as to require their immediate communication to the commander-in-chief; and I have therefore determined to despatch the "Perry," whose time is up, or nearly so, with this information.

With the hope, commodore, that these proceedings will meet your approbation, I am, sir, very respectfully, your obedient servant,

L. M. POWELL, *Commander.*

Commodore FRANCIS H. GREGORY,

Commanding U. S. naval forces,

Coast of Africa.

U. S. SHIP "JOHN ADAMS,"

Off Ambriz, southwest coast of Africa, April 7, 1850.

SIR: On the list of captures of American vessels, or vessels under the American flag, politely furnished by Captain Hastings, of the "Cyclops," to Lieutenant Foote, commanding U. S. brig "Perry," I find the "Lucy Ann" named as one of them, and seized by the "Rattler," under your command.

As everything connected with the use and abuse of the American flag on this coast is necessarily of peculiar interest at this moment, I most respectfully request that you will be pleased to communicate to me, for the information of my government, the requisite details for the thorough understanding of the case in question.

With high consideration, I am, sir, very respectfully, your obedient servant,

L. M. POWELL,
Commander U. S. Navy.

Commander A. CUMMING,

Commanding H. B. M. steam-sloop "Rattler,"

off Ambriz, southwest coast of Africa.

H. M. STEAM-SLOOP "RATTLER,"

Off Ambriz, April 7, 1850.

SIR: I have the honor to acknowledge the receipt of your letter of this day, requesting me to furnish you, for the information of your government, with the details of the capture by H. M. sloop under my command of a brig "called" the "Lucy Ann," on the 20th February, with 547 slaves.

In compliance with your request, I beg to enclose a copy of the particulars attending her seizure, which I had the honor to transmit on that occasion to the British commander-in-chief, Commodore Fanshawe, C. B.

With high consideration, I have the honor to be, sir, your obedient servant,

ARTHUR CUMMING, *Commander.*

Commander L. M. POWELL,

Commanding U. S. corvette "John Adams."

HER MAJESTY'S STEAM-SLOOP "RATTLER,"

At sea, February 22, 1850.

SIR: I have the honor to inform you that, on the 20th instant, her Majesty's sloop "Rattler" captured a brig called the "Lucy Ann," with five hundred and forty-seven slaves on board.

The facts connected with this capture are instructive, and will tend to show the difficulties which beset an officer in the discharge of an onerous duty on this coast; and I therefore beg to submit the following:

On the evening of the 18th instant, I personally boarded this vessel, for the first time, off Ambrizette, and examined her papers, to ascertain her nationality. They appeared to me in order, and sufficient to justify her sailing under the flag of the United States. They had also previously been examined by several experienced officers, without a defect having been detected. The visit, sir, was performed with the respect due to the honorable flag she had assumed, and in strict compliance with the instructions—the brig not even having been hove-to on my going on board or quitting her. Her movements, however, having excited my suspicion, at night-fall, I placed her Majesty's sloop in a position to "see her," should she sail with slaves; and on the morning of the 20th, the same brig hove in sight, standing to the westward, having a moderate breeze, and under all sail. As she continued her course, and no effort to escape being made, I was enabled to board her at 9h. 30m. a. m., and was shown the papers I had previously examined, without observing any alteration. She was at this time under the United States flag. Her decks were perfectly clean, and her hatchways carefully—I may add almost hermetically—closed, and a boom-boat over all. When about to leave, a low, indistinct murmur, wrung from the accumulating sufferings of her human cargo, became audible, and steam, forced from the pressure below, visible. I "mutely" directed the ostensible captain's attention to this, when he instantly declared the papers to be false—that he was not the master—ordered the mate to haul the American ensign down, and hoist her proper colors, Brazilian, under which flag the hatches were removed, and a most revolting spectacle exhibited. More than five hundred slaves of both sexes had been thrust below, impressed with the idea that, if they betrayed themselves by

the slightest noise, their lives would be immediately sacrificed: they therefore preserved the strictest silence until the powers of endurance became exhausted.

I endeavored to secure the papers, which were confessedly false, but found an opportunity had been taken to throw them overboard—a circumstance I much regret.

Many of the crew were evidently citizens of the United States—which, however, they denied; and, in the absence of any proof of their nationality, I was reluctantly induced to allow them to land with the Brazilian crew. Their anxiety to avoid being recognised as Americans is a clear proof of the sincerity of that government; for they looked with dread upon the sure and certain punishment that would have awaited them.

I believe, sir, I am not singular in my opinion, when I state that at least one-half of the successful part of the slave trade is carried on under the American flag—but certainly not under its protection. I have had the opportunity of meeting American cruisers in the bights of Benin and Biafra, and can bear testimony to the vigilance with which their officers watch over their flag, in order to prevent its being violated by adventurers who may think proper to hoist it, without any legal right, for the impunity it affords them; but the number of American cruisers on the station is so small, in proportion to the immense extent of the slave-dealing coast, that it is to be feared, unless that squadron is increased, or more extended powers granted to the commanders of her Majesty's cruisers in ascertaining (in these waters) the true nationality of a vessel hoisting the flag of a nation not a party to the slave treaties, the generous sacrifices of our country may be lost, and the hopes of the African philanthropist never be realized.

I have the honor to be, sir, your most obedient servant,

ARTHUR CUMMING,

Commander.

Commedore ARTHUR FANSHAWE, C. B.,

Commander in chief, &c.

U. S. SHIP "JOHN ADAMS,"

Near Ambriz, southwest coast of Africa, April 7, 1850.

SIR: The verbal information tendered by you during my visit to-day, touching the capture of several vessels under the novel and peculiar circumstances of wearing the flag of the United States, showing American papers, officered and manned in part by American citizens, and exhibiting a log-book in due form to the boarding officer and to the commander of H. B. M. cruiser conducting the examination; and then, when notified that the examination was not satisfactory, and the determination announced that the vessel and parties claiming American nationality should be sent for adjudication to the United States authorities, the striking said United States flag, destroying the papers, (in one case by seizing them from the hands of the British officer, and casting them into the sea,) the absolute denial of being the proper officers of said vessel or vessels, and bringing forward new claimants to the ownership and officers in the persons of Brazilians, who were hitherto silent lookers on, and who hoisted the Brazilian flag, and the consequent seizure of the vessel,—

were heard by me with the interest which the subject merited. I take this occasion to say that it was received in the friendly spirit which marked the tone of the communication—with a full appreciation of the difficult and embarrassing circumstances attending the transactions.

It would have been my duty to request of you a more formal statement of the details of capture or seizure of the vessels, but for the information also given that the subject-matter had already been transferred to the commander-in-chief of the British forces on the coast of Africa.

I agree with you that the *past* occurrences in question are in the proper channel of communication between the functionaries of our respective governments.

But as new cases of similar character may present themselves, I feel impelled by a sense of duty to repeat here the opinion expressed at the interview above recited, with some additional reflections. On the high seas, the flag, the papers, the American master, mate, and crew in part, the log-book, and American *build* of the vessel, are evidence of American nationality which must be conclusive, as to *foreigners*. These embrace all the evidence which ships can give as to their true and lawful character; and they may be defective in many respects, in the eye of the law of the nations to which they belong, respectively, without forfeit of loss of nationality, which can only be changed under certain provisions of the law. The averments of parties claiming the benefit of American nationality must be either admitted or denied. If the first, the officials of a foreign power have, of right, no manner of control or jurisdiction, *no matter what the purport of the voyage may be*, (piracy excepted) If denied, there exists no right in the foreign official to adjudicate the case on the high seas: the claimants and their property must be taken into court, or must be released.

If these principles be sound, apply them to the case now in question. The vessel is American in model, an American claims to be her master, as also her mate and crew in part, the papers are exhibited, the log-book opened, all under her proper flag, but the foreign boarding officer is not yet satisfied as to her nationality. There are suspicious Brazilians about the deck, and he demands a further scrutiny, and finds the vessel prepared to receive or actually full of slaves. In the mean time, the master is alarmed, hauls down the American flag, destroys his papers, declares he is not the captain, calls out a Brazilian, who invests himself with office as the captain. All this, in some cases, in the presence of the British officer, who seizes the vessel as Brazilian, and discharges the delinquents. *He adjudicates* the case as far as the American parties are concerned, and perhaps wrongfully—certainly so far as the suppression of the slave trade is involved; and this is the only object for which our governments expend the treasure and sacrifice the lives of our people on this coast so freely—wrongfully, for the probabilities are that the destroyed papers are genuine documents, which, produced in evidence against the parties before United States tribunals, would subject them to heavy penalties of the laws prohibiting the slave trade—wrongfully, for the parties, be they who they may, are not held to answer for their crimes.

Is it not, therefore, reasonable to infer that this is the motive for the destruction of the papers—that they are too good for preservation? If so, or if there be a reasonable doubt of it, is not the adjudication premature and wrongful, both as regards the government of the United States, which

alone has jurisdiction in the case, and wrongful, as regards the common object, to wit : the suppression of the African slave trade, from the absolute impunity afforded to the atrocious violators of our laws? Hence, is not the inference a fair one, not that the papers were false, but genuine, and proved too much?

It is wrong in other respects. It is a dangerous exercise of surveillance over the commerce of a friendly nation; for the boarding officer may be mistaken. That such is the fact, perhaps in most of the enumerated instances, may fairly be inferred from the admission that one or more of the vessels captured by H. B. M. cruisers—the “*Lucy Ann*,” for instance—had been previously examined, and suffered to proceed on her voyage as a true and lawful American trader, and two days after was seized by the same cruiser, (“*Rattler*,”) with identical papers. Such proceedings lead directly to those vexatious annoyances which tend to disturb the otherwise amicable relations of nations ardently desirous of perpetuating peace. Two instances in point have already been brought under my notice, though but a few days upon the coast—the first, that of the barque “*Catharine*,” Stodder, master, spoken at sea, before my arrival; and the second, the report of the master of the “*Louisa Beaton*,” Captain Bailey—the second American merchant trader which I have fallen in with here.

It pained me to learn from each of the parties named that they felt aggrieved at what they deemed vexatious interruptions, to which they had been subjected by the British cruisers whilst in the prosecution of their lawful commerce.

I transmit the report of the boarding officer of this ship.

The second complained to me in person that he had been boarded off Kabenda by an officer from the “*Flying Fish*,” who ordered his hatches to be taken off, but was requested by said master first to examine his papers before he searched, and reminded that the laws of the United States did not admit of the right of search.

The African slave trade is carried on to the same extent nearly (as a point of delivery) on the Brazil coast, along the shores of which is the great highway of half the commerce of the United States. Shall this summary process to be translated thither? The statement of the case carries its proper answer. However much the hearts of our people may be set upon the abolition of the African slave trade, I do not hazard much in saying that they are not prepared to pay this price to effect it.

But let us reverse the case, as made by the captors of the vessel, which has led to these reflections. The vessel hoists the Brazilian flag, shows her papers and her log. The Brazilian master and his crew appear, to meet the scrutiny of the boarding officer. She fails to prove her nationality, and is about to be seized, for any supposed cause. Shall it be suffered that his first character may be repudiated, and the vessel rescued at the last moment by a transfer of it to another party, kept in reserve for such a contingency? And yet such is the case in hand, and applies, I believe, to each and all of the recent captures made by her Britannic Majesty’s cruisers on this station, where the American flag was used.

The conversation at this stage naturally turned upon a remedy for these embarrassing difficulties in the way of officers charged with the execution of duties involving consequences of so grave a nature. The naval commanders of our respective countries are enjoined by the treaty of 1842 to

consult for co-operation in the measures best calculated to effect the common object; and I gave you my opinion then, and take this occasion to repeat it, that I do not think the admission of the second-hand claimants to confer new nationality on the vessel about to be disposed of, on the high responsibility of the captors, for the reasons above recited, is the best means of effecting the suppression of the African slave trade; that, on the contrary, whilst it may do grievous wrong to one of the parties, it secures the evil-doers from the penalty of the law.

In conclusion, I refer with unfeigned gratification to the sequel of our renewed conference upon the matter now in question, wherein you say that the presence of the United States forces on this coast will enable you to refer cases of doubtful nationality affecting American interests to the authorities most concerned, and that such will be the course of her Britannic Majesty's cruisers under your orders until the result of the contemplated reference to your commander-in-chief shall be known; and to the readiness manifested by you to co-operate in any manner with the naval forces of the United States in the more effectual suppression of the slave trade.

Permit me to add that the acquaintance which has grown out of our brief intercourse with yourself and officers has been a source of pleasure to me, and that I am, sir, most respectfully, your obedient servant,

L. M. POWELL,

Commander United States Navy.

Captain the Hon. GEORGE F. HASTINGS,

*Senior officer of the Southern Division of H. B. M. forces
on the southwest coast of Africa, off Ambriz.*

HER BRITANNIC MAJESTY'S STEAMSHIP "CYCLOPS,"

Off Ambriz, southwest coast of Africa, April 8, 1850.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, recapitulating a conversation which I had the honor of holding with you on the subject of the recent captures made by her Britannic Majesty's cruisers on the south coast, of *Brazilian vessels*, who, on first boarding, displayed the American colors, and produced American papers to our boarding officers, but eventually, on the officer observing the illegality of their papers, register, &c., and doubting their nationality, changed their characters immediately to Brazilian, and, without any intimidation or coercion on our parts, deliberately destroyed the American papers, hauled down the American colors, and gave their vessels up as fully-equipped Brazilians for the slave trade.

I gladly bear testimony to the most perfect correctness of this conversation, as related by you from memory, on this subject, and would now beg to offer you my remarks upon the statements you have thought it your duty to address to me.

1. I would beg very respectfully to deny that in any of our recent captures we have attempted to adjudicate upon any of the cases; for, on the vessels being delivered over to us as Brazilians, they were detained, and, in every instance but *two*, (which were vessels in a disabled and leaky state,) sent to St. Helena for adjudication, and, by our accounts received from the admiralty court there, have been condemned. Had the American papers which were presented been the legal ones, and the mas-

ter remained true to his colors, of course our duty would have been, doubting the vessel's nationality, to have apprized the American authorities of the vessel's suspicious character, and have left the case in their hands; but the destruction of the papers by the parties placed it beyond our power to bring any charge against them as other than Brazilians, which the majority of the crew claimed to be.

2. The complaints which you state have been made already to you by the masters of the American traders—that they felt aggrieved at what they deemed vexatious interference, to which they were subjected—surprise me much, for in no instance has any complaint been preferred to me by any master of an American vessel. It is true that we have certainly boarded American traders, but, in every instance that has come to my knowledge, strictly complied with the spirit of the treaty between the United States and Great Britain in visiting vessels of the former nation to ascertain their true nationality.

We have been placed in a very difficult and delicate position with respect to American traders, not having seen any American cruisers on this coast for, I believe, the last two years; and vessels which to-day were boarded by our cruisers as Americans, having, as they stated, general cargo on board for the coast of Africa, have been captured the next day with slaves on board, under Brazilian colors, and given up to us as Brazilian vessels. One case out of many I beg to send for your information, as contained in the letter (marked No. 1) enclosed.

3. I can see no analogy in the cases you “reverse”—vessels employed as legal traders not being permitted to carry *two* sets of papers, or claim for their convenience a nationality they are not entitled to; and I consider it my duty in any part of the world to detain and send for trial before the proper tribunal vessels so situated. In my opinion, such vessels would be considered pirates, and vessels of war could legally detain them on the high seas. I am also of opinion, from the knowledge which I have obtained in the recent captures, that had an American cruiser fallen in with any of those vessels, and no British vessel in sight, they would have displayed the Brazilian colors, and presented Brazilian papers, for the purpose of evading the American officers' scrutiny.

I enclose a report (marked No. 2) detailing the capture of the barque “Pilot” by her Britannic Majesty's steam-ship under my command. I boarded her in person, and examined her papers. No intimidation or threats were used, but the vessel was deliberately given up to me as a Brazilian slave vessel. This same vessel was recognised by some of our officers as having visited this part of the coast (Ambriz) last July, then called the “Quincy,” of Boston, and commanded by the same person, who presented himself as the master on the last occasion; that he shipped 750 slaves in the month before named; had landed them in safety in the Brazils; and it not being considered expedient to appear again on the coast under the name of “Quincy,” the vessel was differently painted, a false register was obtained at Rio, and her name altered to the “Pilot.” This system has been going on for some years, as well as a constant sale of American vessels, coming over to this coast with legal cargoes, who have been disposed of to the slave dealers after the cargoes have been sold—the flag and papers retained for their protection up to the moment of the embarkation of the slaves. Indeed, an instance of this occurred a few weeks since, by the American brigantine “Chatsworth,” of Balti-

more, having escaped with six hundred slaves from the neighborhood of Ambriz.

I can assure you, sir, of my very great desire, as well as that of every one of my brother officers on this coast, to confine ourselves strictly to the treaty agreed upon by our respective governments in visiting vessels of your nation; and I shall have pleasure in apprizing you for the future of all vessels that I may deem to be of a suspicious character, in order that you may take such steps as may appear to you necessary.

It only remains for me to add that I shall gladly co-operate with you on every occasion for the furtherance of the suppression of the African slave trade; and it has given me great pleasure to have had the honor of making your acquaintance.

I have the honor to be, sir, your obedient servant,

GEO. F. HASTINGS,

Captain in her Britannic Majesty's Navy.

LEVIN M. POWELL, Esq.,

Commander in the United States Navy, commanding the

U. S. ship "John Adams," senior officer of the U. S.

naval forces south of the equator, Ambriz.

[Enclosure.No. 1.]

"CYCLOPS," LOANDO, *December 2, 1849.*

SIR: I have the honor to bring to your notice the following particulars with reference to the boarding of the American brigantine "Casco" by a boat of her Majesty's steamship under my command, at daylight on the 27th ultimo, while steaming to the southward. Between Ambriz and Mazula a sail was observed close under the land, and on coming up with the vessel she showed American colors. I sent Lieutenant Branch to board her. The master produced a paper called a sea-letter from the consul of the United States at Rio de Janeiro, (Mr. Gorham Parks,) granting that vessel protection whilst trading in Africa, and stating that the "Casco" had been disposed of by one American citizen to another in the harbor of Rio de Janeiro, after a survey—the cargo stated to be general, and bound to Ambriz. I felt doubtful as to the American's honesty; but, being in want of coal, I proceeded towards Loando, and on my way fortunately fell in with, some time afterwards, her Majesty's steam-vessel "Pluto," and directed her commander to proceed to watch the movements of the "Casco."

The next morning the "Pluto" discovered the above-named vessel at anchor, in the act of shipping a cargo of slaves. She immediately slipped, and "Pluto," after a short chase, captured her, having on board 420 slaves, without papers. I have not yet received my official report from Lieutenant Jolliffe, but will transmit it to you the moment received.

I regret to say the American flag has been made use of on many occasions, since I have been employed on this division of the station, for the purpose of affording protection to the vessels engaged in the slave trade, so as to permit arrangements to be made by agents of the parties for the purchase of cargoes of slaves; and whenever a good opportunity is observed, such as the absence of a British cruiser, the shipment is effected,

the colors hauled down, and the papers destroyed or secreted, perhaps to be again used on another occasion.

No American vessel of war has been seen on this part of the coast for many months; and if this system of making use of or purchasing American nationality is continued, in my opinion, no efforts on the part of the cruisers will have any avail in putting a stop to the traffic in slaves.

I have the honor to be, sir, your obedient servant,

G. F. HASTINGS, *Captain.*

To ARTHUR FANSHAW, Esq., C. B.,

Commodore, and commander-in-chief, west coast of Africa.

[Enclosure No. 2.]

"CYCLOPS," LOANDO, *January 11, 1850.*

SIR: Whilst at anchor in Ambriz roads, awaiting the arrival of her Majesty's steam-vessel "Pluto," two sails were observed in the offing, which, on the weather clearing, were made out to be the "Pluto" and a barque under American colors.

Lieutenant Jolliffe boarded the barque, and considered the papers produced by her master very unsatisfactory; but, as the vessel was bound to Ambriz, he thought it right to bring the matter under my notice. On the barque anchoring, I visited her, and demanded to see her papers. The master produced the register, in which it was stated she was bound to California; and he asserted she had been sold in the harbor of Rio de Janeiro, having put in there in distress, to a Mr. Frank Smith, a resident of that place, but an American citizen, being a native of Philadelphia. The master produced no document mentioning the transfer and sale of the vessel, sea-letter, nor indeed any authority for wearing the colors under which she was at the time. I informed him that I doubted his nationality—more particularly as out of the crew on deck there was only one other American person, the rest being foreigners—and in consequence should search the vessel. On opening the hatches, she was found to be fully fitted for the slave trade, with fourteen Brazilians on the slave-deck, in addition to the foreigners already mentioned, and two Brazilians on deck as passengers.

I then acquainted the master with my intention to detain the vessel, and that I would deliberate respecting her disposal, and returned on board the "Cyclops." Some two hours afterwards, one of the Brazilian passengers, who now affirmed himself to be the real captain, came on board, and acquainted me that, feeling it useless to evade capture, he had destroyed the false American colors and papers, and substituted the Brazilian flag. I therefore was at liberty to seize his vessel, and in consequence took possession of the Brazilian barque "Pilot," of 300 tons, fully equipped for the slave trade; and I sent her to St. Helena in charge of Lieutenant Dew.

I found the barque "Pilot," at that time an American, was disposed of, as before stated, some months since, to Mr. F. Smith, of Rio de Janeiro, who, I hear, is the same individual who was mentioned in the sea-letter produced by the brigantine "Casco," (the capture and case attending it was reported in one of my letters to you of the 2d ultimo,) which

vessel came over to the coast of Africa under nearly the same circumstances as the barque. If Mr. Smith is enabled to purchase American vessels, procure protection from the United States consul, he (Mr. Smith) being, as I am informed, in the pay of the slave merchants at Rio de Janeiro, and thus procure for Brazilian property the fraudulent use of the American flag, with impunity, the performance of our duty in suppressing the slave trade will be increased in difficulties, it being in many cases scarcely possible to discern between the *true* and *false* American.

The person (Mr. J. Myers) who represented himself, on my boarding the "Pilot," as the American master, has since informed me that he held the same position on board the alleged American barque "Quincy," (whom you, sir, may remember being on the south coast in June and July last;) that she was at the time boarded by the "Centaur," and the cruisers (*bona fide* Brazilian property) had all the requisite fitments for slaves, and in charge of a Brazilian master, who appeared as passenger; that the Quincy shipped 650 slaves the same night that she was boarded by some of the boats of our cruisers, and that before this shipment took place they had at Ambriz embarked their full cargo of slaves; but, the smoke of a steamer appearing in the offing, (which vessel afterwards proved to be the "Centaur,") the whole of the slaves were relanded in less than one hour, having employed upwards of thirty-five boats for this service; and that, on being boarded by the "Centaur's" boat, the American master and papers were again produced.

I bring these strong cases under your notice, and would respectfully solicit your directions for my guidance on again falling in with Brazilian vessels, the owners of which have apparently purchased the right to display the American flag and produce American papers for their protection.

I have the honor to be, sir, your obedient servant,

GEO. F. HASTINGS, *Captain.*

ARTHUR FANSHAW, Esq., C. B.,

Commodore, and commander-in-chief, west coast of Africa.

UNITED STATES SHIP "JOHN ADAMS,"

Off Ambriz, southwest coast of Africa, April 8, 1850.

Sir: I have the honor to enclose you a paper marked A, being a statement of Captain Stodder, of the American barque "Catharine," made to Lieutenant Pegram, of this ship, who boarded said barque on the 2d instant, with the full assurance that the submission of the same will elicit a satisfactory explanation.

Also statement marked B, being the certificate of Braddick Chester, mate of the American brig "Louisa Beaton," in reference to the boarding of that brig by her Britannic Majesty's cruiser "Flying Fish's" boarding officer, about the 28th of March last, off Congo river, which certificate is confirmed by Mr. Joseph Bailey, master of the "Louisa Beaton."

Also the affidavit of Hiram C. Raymon, late mate of the barque "Navarre," marked C; to all of which I referred in my letter of yesterday.

I am, sir, very respectfully, your obedient servant,

L. M. POWELL,

Commander United States Navy.

Captain GEORGE F. HASTINGS,

*Senior officer of the Southern Division of H. B. M. forces,
southwestern coast of Africa.*

A.

April 2, 1850, boarded the American barque Catharine, of Salem, Captain Stodder, two days out from Ambriz.

Captain Stodder states that, about a fortnight ago, the barque "Navarre," of Philadelphia, was captured at Ambriz, by the British steamer "Firefly." The English commander boarded the "Navarre," and threatened her captain that he would lift his hatches and search the hold for evidence of his being engaged in the slave trade. Finally, he told the captain that, if he persisted in keeping American colors up, he would capture him, and deliver his vessel and crew to the American commodore, who would send him to the United States to stand his trial for piracy. Intimidated by this menace, the captain of the "Navarre" hauled down his American colors, said the vessel was not an American, and hoisted a Brazilian flag. On this, she was taken possession of by the British commander. The "Navarre" had a slave-deck laid. The captain is now at Loando.

Captain Stodder stated that he had been much annoyed himself by English cruisers firing shot at him, and compelling him to heave-to; among others, he was chased by the launch of the "Centaur," which fired shot at him, and afterwards rockets at his sails, for the purpose, as he believes, of crippling him. He has been frequently hove-to by shot fired from vessels which knew him perfectly well for an American and fair trader. He says he could not move about the coast without being harassed in this way. A vessel that had been lying by his side in the morning, and whose officers had then made purchases of him, would fire at him when under way in the afternoon; under pretence of not knowing who he was. Captain Stodder thinks it highly important that our cruisers should be kept on this part of the coast, to protect our legal commerce from interferences which are not only vexatious in themselves, but frequently attended with serious loss of time, and sometimes jeoparding the objects of the voyage.

R. B. PEGRAM,
Lieutenant United States Navy.

Witness present:

J. BEALE, *Surgeon U. S. Navy.*

B.

I, Braddick Chester, mate of the American brig "Louisa Beaton," do hereby certify that I took off the main hatch, by order of the master, Joseph Bailey, and thereupon the boarding officer from the British man-of-war "Flying Fish" did, with some of his people, enter the hold with lights in a lantern, and, after examination, proceeded to the forehold, the hatches of which were lifted, and the same parties entered and examined the said forehold. We had one hundred and fifty kegs of gunpowder in the forehold, and no one on board had ever entered it with a light, nor did any one of our people descend into either hold during the search or examination.

BRADDICK CHESTER.

OFF AMBRIZ, April 8, 1850.

Witness: C. C. POWELL.

I confirm the above statement in all respects; and further add; that a lady passenger was terrified by the accidental explosion of a pistol-cap as the boarding party leaped on board at night, she thinking it a gun discharged; and hereunto set my hand. This took place about 9 p. m., on or about the 28th March last.

JOSEPH BAILEY.

C.

UNITED STATES SHIP "JOHN ADAMS,"
Off Ambriz, west coast of Africa.

Personally appeared before me, Levin M. Powell, commander in the United States navy, in command of said ship "John Adams," on this 8th day of April, A. D. 1850, Hiram C. Raymon, who, being duly sworn, deposeth and saith: That he was born in the State of Massachusetts, and follows the sea, and, being in Rio de Janeiro, was recommended to Captain Clark, who wanted a mate. Agreed with said Clark to sail as mate of the barque "Navarre," then commanded by said Clark. Agreed to serve with said Clark in said barque "Navarre" for nine months, according to terms and conditions set forth in the shipping articles preserved by him and now produced, which said articles were signed and certified, in due form, in the office of the United States consul at Rio de Janeiro, in the presence of said consul, (Kent,) the whole being done by him, and, to the best of his knowledge and belief, by all the parties, in good faith; and further, that the shipping articles now produced, as aforesaid, is a good and lawful document in all respects.

The deponent further saith that the barque "Navarre" sailed on the first day of January, 1850, on a voyage to St. Catharine's, Brazil, for a freight; that Captain Clark negotiated for several days with the master of the American ship "Oceanus," of Boston, then at St. Catharine's, recently damaged on her voyage to California, as to the terms on which said Clark would take the cargo of said "Oceanus" on freight to California; that the amount offered—to wit, ten thousand dollars—was not deemed sufficient, and that thereon said Clark announced his intention to sail for the coast of Africa, with the view to a sale of his vessel, (said "Navarre,") if a purchaser on his terms should be found.

And the deponent further saith that the papers of said "Navarre"—to wit, her register, shipping articles, &c.—were in all respects true and lawful papers; that the said vessel had been engaged in trade between Philadelphia and Pernambuco several voyages; and that when she sailed from Rio, with deponent on board, the papers, as aforesaid, were delivered to the said master (Clark) in the office of the United States consul for said city.

And the deponent further saith that he served in the capacity of mate to said Captain Clark, the master of said "Navarre," up to the period of the capture of said barque, off the town of Ambriz, on the southwest coast of Africa, on or about the 21st day of March, 1850, by the British war-steamer "Firefly;" and that he so served, so far as he was concerned, in the belief that she was thus far engaged in a true and lawful commerce.

But the deponent further saith that the lading of the vessel was confined to water in casks, which the master said was for ballast, and to other articles known on the coast of Africa as farina; that there were sundry Brazilians on board, who labored in the common duties of the vessel, but who are not entered on the aforesaid shipping articles, the which did excite his (the deponent's) apprehension on the voyage that the said master (Clark) might thereby compromise the character of his vessel, and violate the laws of the United States passed for the prevention and suppression of the African slave trade.

And the deponent further saith that, for the whole period included between his entry on board as mate, on the 27th of December, and the capture of the barque "Navarre," on the 21st day of March, by the "Firefly," as aforesaid, he kept the log-book of the vessel, as the true and lawful record thereof, according to law; that the original shipping articles which are produced, as aforesaid, are the true articles. Further, that he had seen the ship's papers, and that they were the true and proper papers, to the best of his knowledge and belief; and that the barque "Navarre," when first boarded and held in durance by the foreign officers and men, was in all respects, and in good faith, an American merchant trader of true and lawful character.

And the deponent further saith that said papers were in the hands of the foreign officer and officers at two several times; that he knoweth not what disposition was made of them; but that he believes they were destroyed by, or suffered to be destroyed in the presence of, said officers, under threat of delivery of said ship and people to the American authorities, to be tried for alleged violation of the laws of the United States, in terms and words, to wit: "Well, captain, you had better let me take you; for if I deliver you up to the American authorities, you know how they will deal with you;" that the said master (Clark) seemed to be intimidated, and ordered to be hauled down the American flag; and that the said Clark further ordered him (the deponent) to hoist a Brazilian ensign, and the captain of the "Firefly" ordered his people to take charge of the vessel and to open the hatches; thereupon the barque was seized by the officers of said British steamer "Firefly," and the people found on board the barque suffered to go at large.

And further the deponent saith not.

HIRAM C. RAYMON.

Sworn to and subscribed before me, the said Levin M. Powell, this 8th day of April, 1850.

L. M. POWELL, *Commander*.

In presence of—

ED. C. DORAN, *Purser United States Navy*.

Affidavit of Charles Blanchard, seaman barque "Navarre."

Know all men by these presents, that, on the day of the date hereof, personally appeared before me, E. Peck, commander in the United States navy, Charles Blanchard, a native of Brookfield, in the State of Maine,

who, being duly sworn on the Holy Evangelist of Almighty God, did depose and declare, that, on or about the 23d of December, 1849, being at Rio Janeiro, he shipped as seaman on board the American barque "Navarre," Captain Clark; the alleged object was to proceed to the island of St. Catharine's, there to take in the cargo of the American ship "Oceanica" (condemned) and convey the same to California. At the time of sailing from Rio de Janeiro, there was on board the barque seven men before the mast, one cook and steward, captain and two mates: all hailed to be Americans except one, and were regularly shipped by the American consul.

On arriving at St. Catharine's, the captain, as deponent understood, declined going to California, alleging the insufficiency of compensation. Remained at St. Catharine's some eight or ten days; and, shipping one man and a boy, we left, as deponent understood, for the Cape de Verde islands. The first land made after leaving St. Catharine's was San Juan, near Cape Frio, and the next day anchored in a bay called Rio Ostris. Soon after arriving at Rio Ostris, the barque's crew were sent on shore to make sails. While thus employed, a gang of Portuguese or Brazilians were employed in putting on board a number of water-casks, (thinks about one hundred,) together with a quantity of plank, rice, beans, farina, and jerked beef. While in Rio Ostris, several of the crew asked for their discharge, which the captain refused. Some deserted, but were taken and brought back. Took with us from Rio Ostris seven Portuguese or Brazilians, who the captain said were passengers for the coast of Africa. One had authority over the others, and lived in the cabin; the rest messed with the crew. In about forty days we made the coast of Africa to the southward of Benguela. Sent a boat on shore with the Portuguese captain and two of his men; in about half an hour they returned. We then made sail out to sea; next day made the land at the same place. The Portuguese captain, two of his men, and the mate, went on shore and sounded, and reported that there was a good anchorage; were gone about an hour; when they returned, the barque again stood to sea. Next day, about 11 a. m., was boarded by a boat from her Britannic Majesty's brig "Water-Witch." Before the boat reached the barque, the Portuguese and his men secreted themselves in the hold. The captain and officer went into the cabin; heard the officer ask the captain where he was bound? He replied, "To Benguela." Officer then asked if he had any cargo on board? He replied, "Yes." The officer then left. Soon after this, the brig came near us and gave us the latitude and longitude, after which we made sail and shaped our course for Benguela, the "Water-Witch" remaining astern of us; this was about 1 p. m. At 2 p. m., deponent had the watch on deck; the brig fired a gun; the captain came up, and deponent told him that a gun had been fired to bring them to; he said he would wait for another; the brig then fired a shot over them, when the barque was hove-to. Two boats then came alongside from the brig. The boarding officer asked the captain where he was bound to now? Captain replied that he did not like to stand too near the land. Deponent left the officers on board when he went below, at 4 a. m. Deponent came on deck at half-past 7 a. m.; the officer had then left. The brig was in sight on our lee quarter; kept in sight and astern all day. Towards evening the brig passed ahead of us. Soon after this the captain hove overboard a side-ladder for a drag to deaden the ship's way, so as to allow the brig to gain

on him. About half-past eight p. m. lost sight of the brig; then hove-to for about half an hour; then filled away and steered NNE. The third day after leaving the brig, made Ambriz, and was boarded by an officer from her Britannic Majesty's ship "Firefly." He went into the cabin with the captain; when they returned on deck, the officer mustered the crew. The officer remained on board about three-fourths of an hour, when he left for the "steamer," about eight or ten miles distant. Soon after this the barque came to an anchor; in about an hour the steamer came in and anchored near us, and sent a boat alongside. After this boat had left, our captain left for the shore with his baggage, when he was hailed by an English officer, who was coming on board the second time, and who told him he would like to see him. He then returned on board. Did not hear what passed between the British officer and the captain. Heard the captain order the mate to haul down the American and hoist the Brazilian flag. The crew proceeded aft to prevent this, and deponent seized the signal halliards, when he was struck by a British sailor, who drew a cutlass on him, while another presented his pistol at him. The mate then hauled down the American flag, threw it overboard, and hoisted the Brazilian in its stead. Heard the English commander tell the captain that he was determined to search his vessel. Does not remember whether the search was begun before or after the American flag was struck. Had heard the captain tell the mate, "if the worst came to the worst, he would haul down the American and hoist the Brazilian flag." Also heard the captain say, that the reason he did not go into Benguela was, because the brig "Perry" was there and would take him; and that he did not want to be taken by Americans. While to the southward of Benguela, the captain called the crew, and endeavored to get a boat's crew to put him and the mate on shore, alleging his apprehension of falling into the hands of the "Perry." When the British commander took possession of the "Navarre," he offered to take the Americans to Loando, which he did, and put them on board the United States brig "Perry," except the captain and mate, who went directly on shore, and did not go on board the "Perry" while she remained there.

CHAS. BLANCHARD, *Seaman.*

Sworn to and subscribed before me, this sixteenth day of May, A. D. one thousand eight hundred and fifty.

In testimony whereunto, I have hereunto set my hand and affixed my official seal, the 16th day of May, in the year of our Lord one thousand eight hundred and fifty.

E. PECK,
Commander U. S. Navy.

Affidavit of John Robertson, seaman barque "Navarre."

The following deposition was made on board the United States flag-ship "Portsmouth," by John Robertson, seaman; one of the crew of the barque "Navarre," captured on the west coast of Africa by her Britannic Majesty's steamer "Firefly:"

John Robertson was born in Baltimore, Maryland. Shipped on board the barque "Navarre" on the 23d day of December, 1849, in Rio de Janeiro.

ro, by the American consul. Sailed from Rio de Janeiro to St. Catharine's for the cargo of an American ship (condemned at that place) to go to California, but could not agree as to terms, and sailed from thence to Rio Ostris; arrived there in two or three days; after anchoring, unbent sails, and sent them with the crew on shore; the men of the "Navarre" were employed on shore in making a new suit of sails. There were sent on board the "Navarre" 101 casks of water, some planks, besides a quantity of bags and barrels of provisions. The provisions and water were conveyed on board by a crew of Portuguese, which joined the vessel when she sailed for the coast of Africa. I, as well as others, suspected that all was not right. The first land we made was Little Fish or Elephant bay. We ran along down the land to a little bay, near which there were several small houses. We hove-to at this place, and the captain sent a boat on shore with the Portuguese captain and two of his men; in a short time the boat returned, when she was hoisted up, and we stood off the land all that night, and next day tacked ship and stood in shore, and then tacked and stood off awhile, when we tacked again and stood in for the shore. We were in shore about meridian; hove-to. The mate went on shore in the bay and sounded; when he returned, he said there were twenty fathoms of water close in shore. Filled away and stood off until 12 o'clock next day, when we made a sail; she fired a gun, and we hove-to, and was boarded by the captain of her Britannic Majesty's brig "Water-Witch." Our captain said that he was out of his reckoning; the captain of the "Water-Witch" said he would go on board, and run under the "Navarre's" stern, and give us our latitude, longitude, and course. He (the captain) went on board, and the brig passed under the "Navarre's" stern, and gave the latitude, longitude, and course. We then stood for Benguela, (this was about 2 o'clock p. m.;) the brig hove-to, and we stood on our course for about a half hour, and then we hauled on the wind on the starboard tack; the brig filled away and followed after us. She (the brig) was under top-sails and topgallant-sails until dark, when she made sail and stood for us. Between 7 and 8 p. m., we had lost sight of the brig, and tacked ship and stood off the land. I had the watch below from 8 to midnight. When I came on deck, the "Navarre" was under all sail on the wind on the port tack. At 1 p. m., we tacked ship; and at the time of tacking, a shot was fired from the windward, and passed over us. We then hove-to, and the brig came down across our bow, and spoke the "Navarre," and said: "Captain, do you think we are blind?" She then hove-to to leeward of us, and sent a boat on board with three officers. One kept the deck, while the other two went below. I left them on board when I "turned in," at 4 o'clock a. m. When all hands were called, I came on deck; the "Navarre" and the brig were under all sail, standing in for Benguela, and continued so during the day. At sunset, the brig was on the starboard bow. Between 7 and 8 p. m., the captain hove a side-ladder overboard for a drag. At about 9 p. m., we hove-to, the brig on our lee quarter, distant about three miles. The captain said that was Benguela, (alluding to a light in sight,) and said he would not run in. Shortly after, the mate and Portuguese captain had a conversation on the lee side of the quarter-deck; and we squared away and steered northward, the brig not in sight; at 8 a. m., lost sight of the land. We made the land about Ambriz on the third or fourth morning after having lost sight of it. At 4 o'clock, on coming on

deck, I was informed that the Portuguese captain and two men had left the vessel in the "jolly-boat." During the morning watch we were boarded by the launch of her Britannic Majesty's steamer "Firefly." The officer came on board and asked the captain where he was bound; he answered, "To Ambriz;" they then went below together; came on deck again in about ten minutes—the officer having a list of the crew in his hand. The officer then directed the men to come aft, and then asked each what his name was. The captain asked him below to breakfast. He remained on board until 8 o'clock, when the steamer hove in sight. During this time, the "Navarre" was standing in for the anchorage of Ambriz; the launch stood for the steamer. At about 9 o'clock we anchored at Ambriz; the steamer came in and sent a boat on board. I heard nothing that passed between the captain and officer; he remained on board about 15 minutes. The boat returned to the "steamer," when she stood in for a short distance, and came to anchor on our starboard bow. After the "steamer's" boat had left us, the captain ordered the launch to be got out, and had a bag and two boxes of cigars passed into it; he then ordered three men in the boat to pull him ashore. About this time two launches came alongside from the "steamer," and our launch was dropped astern, in order to allow room for the "steamer's" launches to come alongside. Two officers came on board and went below with the captain; remained on board about 15 minutes, and then returned to the "steamer." On their leaving, the captain of the "Navarre" got in his boat, with three of the crew, and commenced pulling ashore. The "gig" of the steamer was lowered, and the captain of the steamer, with two other boats, pulled for the "Navarre." One of the boats hailed the captain of the "Navarre," and said that the captain of the steamer wanted to speak to him, upon which he returned to the barque. The captain and officers of the steamer got on board the "Navarre," and was soon followed by her captain. About thirty men from the steamer came on board armed. The captain of the "Navarre" went below immediately on coming on board. Some of the officers of the steamer were on deck, and some below. In about a half an hour after the officers came on board from the steamer, the captain of the "Navarre" came up in the companion-way, and said to the mate, "Haul down the American flag, and hoist the Brazilian;" as soon as we heard that, we all rushed aft, but was prevented from getting upon the quarter-deck by the men from the steamer, who had received orders from their captain not to permit us; they all had drawn cutlasses. Blanchard succeeded in passing by them, and had the signal halliards in his hand. The mate hauled down their colors, and hove them overboard. The men from the steamer then went to work to break open the hatches, commencing at the half-deck hatch. We saw the captain of the steamer in the starboard gangway; we told him that "we were done out of our wages; if he wanted to take the vessel, to take her under her own flag, and give her up to an American man-of-war." The captain told us to keep silence, or he would try us as pirates; he said that the captain had signed his name as a Brazilian, and we could gain nothing, nor get nothing. We were all transferred, "bag and hammock," on board the steamer, and was carried to St. Paul's de Loando, and then transferred on board the United States brig "Perry." At all times, when the British officers came on board, the Brazilians were secreted in the hold. The captain or the mate did not,

to my knowledge, go on board the "Perry" during our stay in Leando. I was satisfied in my own mind, while on the coast, that our vessel was intended for the slave trade.

JOHN ROBERTSON, *Seaman*.

Sworn to and subscribed before me, this sixteenth day of May, A. D. one thousand eight hundred and fifty.

[L. s.] In testimony whereof, I have hereunto set my hand and affixed my official seal, the 16th day of May, in the year of our Lord one thousand eight hundred and fifty.

E. PECK,

Commander United States Navy.

Affidavit of John Foster, steward of the barque "Navarre."

Know all men by these presents, that, on the day of the date hereof, personally appeared before me, E. Peck, commander in the United States navy, John Foster, a native of Genesee county, in the State of New York, who, being duly sworn on the Holy Evangelist of Almighty God, did depose and declare, that on or about the 23d of December, 1849, being at Rio de Janeiro, he shipped as steward on board the American barque "Navarre," Captain Clark. The alleged object was to proceed to the island of St. Catharine's, there to take in the cargo of the American ship "Oceana," and convey the same to California. At the time of sailing from Rio de Janeiro, there was on board the barque seven men before the mast, one cook and steward, captain, and two mates: all hailed to be Americans except one, and were regularly entered before the American consul. On arriving at St. Catharine's, the captain said he would not go to California, the freight offered him not being sufficient. Remained at St. Catharine's about two weeks; then left, ostensibly for the purpose of proceeding to the Cape de Verde islands. The first land made, after leaving St. Catharine's, was Cape Frio, on the coast of Brazil; the same evening we anchored in a bay called Rio Ostris. Soon after arriving, the crew of the barque went on shore to make a suit of sails; in the meanwhile, a gang of Portuguese or Brazilians put on board a large number of water-casks, together with a quantity of planks, beans, rice, and farina, and a launch-load of jerked beef. While at Rio Ostris, the crew desired to be discharged; which the captain positively refused to grant. Some deserted, but were brought back by the police of the country. The day before sailing from Rio Ostris, seven Brazilians or Portuguese came on board, who the captain said were passengers for the coast of Africa. One of them had authority over the others, and lived in the cabin; the balance messed with the crew. Does not remember the day of sailing from Rio Ostris. Had about forty days' passage to the coast of Africa; made the land to the southward of Benguela, and sent a boat on shore with the Portuguese captain and several of his men; they remained on shore but a few minutes; when they returned, made sail, and stood out to sea; next day returned to same place, when the mate went ashore with a lead line, and sounded; he reported a good anchorage; again stood out to sea. That day, about 11 a. m., was boarded by a boat from her British Ma-

jesty's brig "Water-Witch." When the boat came alongside, we displayed our American colors. The officer asked the captain where he was from; he answered, "Brazil." He asked him where he was bound; he replied, "To Benguela." The captain and officer then went into the cabin and drank some porter. Before the boat from the "Water-Witch" reached the "Navarre," the Portuguese captain and his crew concealed themselves in the hold, and remained there until the boat had left. The officer asked the captain to show him the vessel's papers, which he did, and ordered the crew aft, when the officer called their names from the crew list. The officer then told the captain that the United States brig "Perry" was at Benguela, and, as he was going there himself, he would accompany him. The officer then left the vessel, and the "Navarre" filled away; the "Water-Witch" continued lying-to. Soon after this the captain called the crew aft, and told them that if the "Perry" was in Benguela he would be taken prisoner, and proposed that they should all go on shore, at the same time offering to secure their wages and provide for them while on the coast. The crew objected. He then proposed that himself and mate should be put on shore, and that he would give the ship's papers to the second mate to do with as he pleased. The crew objected to this, and were desirous to fall in with the "Perry." Deponent, having no watch, knows nothing from personal observation of what passed during the night. When he came on deck in the morning, the "Water-Witch" was in sight a long distance ahead. Soon after dark, lost sight of the "Water-Witch," when the captain altered his course from Benguela. Thinks the third day, in the morning, after passing Benguela, they were off Ambriz, and were boarded by a boat from her Britannic Majesty's steamer "Firefly." Before the boat reached the barque, the Portuguese captain and crew concealed themselves in the hold, as before. The captain invited the officer into the cabin, where they drank wine and breakfasted together. The officer asked to see the ship's papers, which the captain gave him, and then ordered the crew sent aft, when the officer called their names. Officer then left for the steamer, about eight or ten miles distant, and the "Navarre" came to anchor soon after off Ambriz. In a short time the steamer came in, when another boat came alongside with two officers; they had some intercourse with the captain, which the deponent did not hear, and then left. After they had gone, the captain started for the shore with his baggage. On his way he was hailed by the commander of the steamer, who told him he was going on board the barque, and desired to see him. The captain returned; himself and the commander of the steamer went into the cabin. Deponent was at the galley, and knows nothing of what passed in the cabin. In a short time he saw the mate come on deck with the Brazilian colors. He commenced hauling down the American colors, when the crew came aft to prevent the lowering of their flag; when they were stopped by the British sailors, who were armed with pistols and cutlasses. One man, (Charles Blanchard,) who had seized hold of the signal-halliards, was struck on the back of the head by one of the English sailors, while others raised their cutlasses against him. The mate then hauled down the American flag, threw it overboard, and hoisted the Brazilian colors in its stead. The Portuguese captain and crew were landed at Ambriz; the Americans were carried to Loando, where they found the United States brig "Perry," and the crew went on board of her; the captain

and mate did not. The captain left the steamer by the first opportunity, the mate left while the "Perry's" boat was alongside. Neither captain or mate went on board the "Perry" while she remained at Loando. Deponent has no doubt the object of the captain and owners of the "Navarre" was to employ her in the slave trade.

JOHN FOSTER, *Steward.*

Sworn and subscribed before me, this sixteenth day of May, A. D. one thousand eight hundred and fifty.

In testimony whereof, I have hereunto set my hand and affixed [L. s.] my official seal, the 16th day of May, in the year of our Lord one thousand eight hundred and fifty.

E. PECK,
Commander U. S. Navy

HER BRITANNIC MAJESTY'S STEAM-SHIP "CYCLOPS,"
Off Ambriz, southwest coast of Africa, April 9, 1850.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, with the enclosures A, B, and C.

The statement marked B being an affidavit of the mate of the American brigantine "Louisa Beaton," certified by the master, with reference to the illegal search made by an officer of her Britannic Majesty's sloop "Flying Fish," on boarding the "Louisa Beaton," off Kabenda, on the 28th of March last, as I expect the daily arrival of the "Flying Fish," I would desire to wait the commander's arrival before replying to the mate's affidavit, and will call upon the commander for his report of the circumstances attending the boarding of the "Louisa Beaton," and trust that I may be enabled to give you a satisfactory explanation.

The affidavit marked C, of Hiram C. Raymon, late mate of the Brazilian barque "Navarre"—I regret that the departure of her Britannic Majesty's steam-sloop "Firefly" for England will prevent me from calling upon the commander for an immediate explanation of the circumstances; but I will transmit the document to the British commander-in-chief, who, I have no doubt, will take the necessary steps for the arrangement of this matter; but I would respectfully request that the party complaining, as well as the late master of the "Navarre," who is stated to be at present at "Loando," might be forthcoming to prove the assertions made in the affidavit. It does appear extraordinary, that the party who made the affidavit, on being conveyed to Loando in the "Firefly," after the capture of the "Navarre," and there meeting with, and, as I heard, being transferred to, the U. S. brig "Perry," did not, whilst the commander of the "Firefly" was present, make this affidavit to the commander of the "Perry," in order that the truth might be elicited then and there, and inquiry made into the whole of the circumstances attending the capture of that vessel; and I therefore much doubt the truth of the mate's statement, until further proof. I observe throughout the affidavit that the mate makes no mention of any American citizen being the owner of the "Navarre," nor, on the occasion of her capture, her being fully equipped for the slave trade.

With reference to the complaint made by Captain Stodder, of the American barque "Catharine," to Lieutenant Pegram, of the "John

Adams," relative in the first place to the supposed conduct of the commander of her Britannic Majesty's steam-sloop "Firefly," on board the barque "Navarre," off Ambriz, I beg to state, that, at the period of the "Navarre's" capture by that sloop, the "Catharine" was at anchor in Loando; therefore, Captain Stodder's statement can only have been made from hearsay of that officer's proceedings on the occasion in question. Secondly, from the constant changing of the nationality of vessels on this coast, it became absolutely necessary for us to visit every vessel that was sighted, and on all occasions. I have no recollection of any shot having been fired by any of the cruisers at the "Catharine," except once, when a blank cartridge was fired from a musket, on the "Cyclops" first visiting the said barque at night, not having seen her before, when the master would not heave-to, with a fresh breeze, and he was then exceedingly uncivil to the boarding officer. I have frequently met the "Catharine" since, and never boarded her.

With respect to the complaint from Captain Stodder against the "Centaur's" barge, I am fortunately acquainted with the whole circumstances, and will therefore relate them for your information: The "Centaur's" barge cruising off Mazula, between the hours of 7 and 10 p. m.—I am not certain as to the correct time, but it was after dark—a vessel was observed by the officer in charge of the barge, running along the land. Chase was given, and, although the vessel must have observed the boat, every means seemed to be used to evade the visit. After some pulling, a blank cartridge was fired from the 6-pounder brass gun in the bows; the vessel took no notice of the same; and, after a little time, a rocket; but the officer declared to me that it was pointed quite clear of the masts and sails. This had the desired effect. The barque hove-to, and, on boarding, the officer learned that the vessel was the American barque "Catharine," from Loando. The captain was exceedingly uncivil; and, on the officer's observing that he might have allowed his boat to come alongside before, and not used means to prevent her, the captain replied that he never hove-to for a launch; and the mate, who was present, observed that whoever stated that means were used to prevent the boat reaching the barque was a "bloody liar." These are the facts of the case; and, on Commodore Fanshawe's learning the occurrence, he requested me to mention the matter to the commander of the "Perry." The "Catharine" met the United States man-of-war, off Ambriz, the day after the "Centaur's" barge boarded her; but I did not learn that any complaint had been preferred by Captain Stodder on the subject previous to your letter, although the "Centaur" was at anchor in the roadstead of Ambriz whilst the "Catharine" and "Perry" were together there.

The officer in charge of the "Centaur's" boat had never met or boarded the "Catharine" before, and was not aware, until he reached her deck, that she was an American vessel.

I trust these explanations, until other letters can be forwarded to you, will be satisfactory.

I have the honor to be, sir, your obedient servant,

GEO. F. HASTINGS,

Captain in her Britannic Majesty's Navy.

LEVIN M. POWELL, Esq.,

Commander in the United States Navy, com'g

the U. S. ship "John Adams," senior officer of

the U. S. naval forces south of the equator, Ambriz.

U. S. SHIP "JOHN ADAMS,"

Off Ambriz, April 9, 1850.

SIR: I enclose for your perusal a letter from Captain the Hon. George F. Hastings, of her Britannic Majesty's steam-ship "Cyclops," and senior officer of the southern division of the British squadron on this coast, wherein you are mentioned in connexion with the explanations given relative to the several captures and boarding operations conducted by her Britannic Majesty's cruisers.

Be pleased to give me your report of the same, for the information of the commander-in-chief of our forces in this quarter.

Very respectfully, your obedient servant,

L. M. POWELL,

Commander and senior officer.

Lieut. Com'g ANDREW H. FOOTE,

Commanding U. S. brig "Perry."

Be pleased to return the papers at an early moment.

L. M. P.

U. S. BRIG "PERRY,"

Off Ambriz, April 10, 1850.

SIR: Your letter of the 9th instant, enclosing a communication addressed to you from the Honorable Captain Hastings, of her Britannic Majesty's steamer "Cyclops," wherein I am mentioned in connexion with the "Navarre" and the "Catharine," with your directions to report on the same, has been received.

In relation to the "Navarre," her captain and mate went on shore on the arrival of her Majesty's steamer "Firefly" at Loando, and did not, at any time, come on board the "Perry," although I requested Captain Stodder, of the barque "Catharine," to inform the captain of the "Navarre" that, if he had any complaint to make, if he would come on board, I would attend to it while the "Firefly" was present. There were six American seamen on board of the "Navarre" when captured, whom I received on board of this vessel, at their request, as they stated that they had been deceived as to the object of their voyage, and wished to be conveyed to Commodore Gregory, commanding the station; but, on reconsideration, they applied to go on shore, and, having no evidence of any breach of the laws of the United States which would authorize their detention, five of them were permitted to leave the vessel, and the remaining one was, at his own request, yesterday sent on board of the "John Adams," under your command.

In relation to the "Centaur's" launch boarding the "Catharine," no complaint was preferred to me by Captain Stodder, her commander. Being under way on the arrival of the "Catharine" at Ambriz, I had no communication with her, except to send the letter-bag on board by my clerk, who, on his return, reported that Captain Stodder, or the mate, had sportively remarked that the "Cyclops" had again fired at him, and,

when the boat came alongside, he had told the officer to tell his captain "that he had better keep his potatoes to himself."

I am, sir, very respectfully, your obedient servant,

ANDREW H. FOOTE,

Lieutenant Commanding.

Commander LEVIN M. POWELL,

Commanding U. S. sloop "John Adams."

UNITED STATES SHIP "JOHN ADAMS,"

Off Ambriz, southwest coast of Africa, April 10, 1850.

SIR: Herewith I have the honor to enclose for your information a report made by Lieutenant Commanding Andrew H. Foote, of the United States brig "Perry," touching the matters which refer to him contained in your letter of the 9th instant, addressed to me.

I do this with the more pleasure, inasmuch as it strengthens the force of the explanation so promptly rendered by you on the subject of complaint submitted to your consideration by me, and as a manifestation of my sincere desire to arrive at truth, without pausing to consider whose interests may be affected. Should any testimony of a more favorable nature, bearing upon the questions lately mooted, fall into my hands, be assured that it will afford me real pleasure to be able to convey the information to you.

I take the occasion to make a more formal acknowledgment of the receipt of your letter of the 8th, and at the same time of yours dated the 9th April, 1850, and to express to you my sense of the honest and friendly manner in which you have met my call for information.

Perhaps I should also have replied more definitely to the question put in our several conferences, to wit: What are her Britannic Majesty's officers to do, if, in the effort to effect the common object specified in the 8th article of the treaty of Washington, they cannot look behind the flag and papers of a vessel claiming to be American, in order to verify her nationality?

I am at liberty to give but one answer, and that admits of no mistake. The United States recognise no *right* of "visit" or "search" of vessels wearing the flag of the United States, for any purpose, by a foreign officer, on the high seas. Whenever this right is disregarded, and the visit made, and the search conducted, it is at the peril and on the responsibility of the party acting.

Pardon me, sir, for this short rejoinder to your arguments: it struck me as being due to frankness. And believe, sir, that I am, with high consideration, your obedient servant,

L. M. POWELL,

Commander U. S. N.

Captain Hon. GEORGE F. HASTINGS,

H. B. M. steamship "Cyclops," and senior officer

*of southern division of her Britannic Majesty's forces,
southwest coast of Africa.*

HER BRITANNIC MAJESTY'S STEAM-SHIP "CYCLOPS,"

Off Ambriz, southwest coast of Africa, April 11, 1850.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, with an enclosure from Lieutenant Andrew H. Foote, commanding the United States brig of war "Perry;" and it affords me extreme pleasure to observe that the explanations which I tendered you in my letter of the 9th instant have been strengthened by that officer's report.

But, with reference to the latter part of Lieutenant Foote's letter, in which he states that Captain Stodder, of the American barque "Catharine," sportively remarked "that the 'Cyclops' had again fired at him, and, when the boat came alongside, he told the officer to tell the captain that he had better keep his potatoes to himself," I would observe that Captain Stodder has made a false accusation relative to our proceedings. The "Cyclops" did not sight the "Catharine" on the passage from Loando to Ambriz, where she met the "Perry;" and you will remember that, on Lieutenant Pegram, of the "John Adams," boarding the "Catharine," two days afterwards; no complaint was made by the captain against the "Cyclops," but one relating to the "Centaur's" barge. I therefore deny, most emphatically, ever having fired at the "Catharine," except on one occasion, three months since, when she first came to the coast, at night, with a fresh breeze blowing, for the purpose of bringing her to—never having seen her before; and then, a blank musket-cartridge was fired to windward.

With regard to the latter part of your letter, in which you state it as your opinion "that foreign officers have no right to look behind the flag and papers of a vessel claiming to be *American*, in order to verify her nationality; and also that the United States will not recognise the right of *visit* or *search* of vessels wearing the flag of the United States, for any purpose, by any foreign officer, on the high seas," I would answer, that I am perfectly aware that the treaty of Washington gives no right to our officers to visit or search an *American vessel*; but the government of the United States are far from claiming that the flag of the Union should give immunity to those who have no right to wear it; and in my *instructions* I am acquainted that most assuredly Great Britain never will allow vessels of other nations to escape visit and examination by merely hoisting an United States flag, or the flag of any other nation which has not granted to Great Britain the right of search.

On the coast, it is extremely difficult to ascertain, without visit, the nationality of a vessel; for to-day you pass a vessel displaying the American flag, and in your opinion a lawful trader, but to-morrow the same vessel, when met, (having embarked a cargo of negroes in the interval,) presents another nationality. Many Brazilian vessels have attempted to evade capture, whilst chased by a British cruiser, by hoisting the American flag, but, on observing no hope of escape, have displayed their true nationality.

In conclusion, I take the liberty of transmitting for your information an extract from the instructions under which I am acting, in the event of our meeting vessels who, from intelligence I may have received, or from their manœuvres, or other sufficient cause, I may have reason to believe, do not belong to the nation indicated by their colors. To those instructions I have implicitly (as well as every one of my brother officers, in our inter-

course with, or visit to, foreign vessels, whose nations do not give the right of search to Great Britain) attended; and it is our duty, until receiving further instructions, to be guided by those commands on all future occasions.

In the event of an United States cruiser being in company, and joining with our cruiser in the chase of a suspected vessel, who may, on our pursuing her, display the flag of the Union, but afterwards hoist the Brazilian colors, it will be my desire, as well as duty, to give way to the American cruiser in paying the first visit to the suspected vessel; but you will, of course, bear in mind that the United States have no treaty with Brazil granting the right of search. You cannot, therefore, visit or search a Brazilian vessel, the American flag having been only used by the "chase" to evade pursuit of the British cruiser.

I have the honor to be, sir, your obedient servant,

GEO. F. HASTINGS,

Captain in her Britannic Majesty's Navy.

LEVIN M. POWELL, Esq.,

Com'r U. S. Navy, com'g U. S. ship of war "John Adams,"

*senior officer in command of the United States naval forces
south of the equator.*

A true extract from the instructions for the senior officer of her Majesty's ships and vessels on the west coast of Africa, with respect to the treaty with the United States of America signed at Washington on the 9th August, 1842.

Accordingly, when, from intelligence which the officer commanding her Majesty's cruiser may have received, or from the manœuvres of the vessel, or other sufficient cause, he may have reason to believe that the vessel does not belong to the nation indicated by her colors, he is, if the state of the weather will admit of it, to go ahead of the suspected vessel, after communicating his intentions by hailing, and to drop a boat on board of her, to ascertain her nationality, without causing her detention, in the event of her really proving to be a vessel of the nation the colors of which she has displayed, and, therefore, one which he is not authorized to search; but, should the strength of the wind or other circumstances render such mode of visiting the stranger impracticable, he is to require the suspected vessel to be brought to, in order that the nationality may be ascertained; and he will be justified in enforcing it, if necessary—understanding always that he is not to resort to any coercive measures until every other shall have failed. And the officer who boards the stranger is to be instructed merely, in the first instance, to satisfy himself by the vessel's papers, or other proof, of her nationality; and if she prove really to be a vessel of the nation designated by her colors, and one which he is not authorized to search, he is to lose no time in quitting her—offering to note on the papers of the vessel the cause of his having suspected her nationality, as well as the number of minutes the vessel was detained (if detained at all) for the object in question. Such notation is to be signed by the boarding officer, specifying his rank, and the name of her Majesty's cruiser; and, whether the commander of the visited vessel consents to such notation on the ves-

sel's papers or not, (and it is not to be done without his consent,) all the said particulars are to be immediately inserted in the log-book of her Majesty's cruiser, and a full and a complete statement of the circumstances is to be sent, addressed to the Secretary of the Admiralty, by the first safe opportunity, direct to England, and also a similar statement to you, as senior officer on the station, to be forwarded by you to our secretary, accompanied by any remarks you may have reason to make thereon.

Of course, in cases where the suspicion of the commander turns out to be well-founded, and the vessel boarded proves, notwithstanding her colors, not to belong to the nation designated by those colors, the commander of her Majesty's cruiser will deal with her as he would have been authorized and required to do had she not hoisted a false flag.

GEO. F. HASTINGS,

Captain of her Britannic Majesty's ship "Cyclops."

UNITED STATES SHIP "JOHN ADAMS,"

Port of Loando, April 16, 1850.

Personally appeared before me, L. M. Powell, commander in the United States navy, in command of said "John Adams," on this 16th day of April, 1850, Robert J. Clark, who, being duly sworn, deposeeth and saith:

That he was born in the State of Massachusetts, and follows the sea; that he was master of the American barque "Navarre," of Philadelphia; that, being in Rio de Janeiro, after having sold his former vessel, of which he was also master and part owner, with the proceeds of said sale, did, on or about the 29th day of December, 1849, purchase from Maxwell Wright & Co., American merchants, residents in said port of Riode Janeiro, the American barque "Navarre," together with her tackle, apparel, and equipment, complete. That on said sale the register of said barque was duly delivered to the American consul, and one-half thereof was retained in said consul's hands, and the other half forwarded to the United States, as is customary, and bill of sale, and sea-letters, duly authenticated by the seal and signature of the United States consul, delivered to deponent, in lieu of the register at the office of the said consul.

And further, the deponent saith, that a proper crew was shipped by the consul for service in said barque, on the terms and conditions set forth in the shipping articles now produced, and certified, the 29th day of December, 1849, and sealed with the consular seal.

And further, that he cleared for St. Catharine's, in Brazil, as set forth, and sailed from Rio, and reached said port of St. Catharine's, with a view to take on freight the cargo of the ship "Oceanus;" which negotiation failing, he (the deponent) saith that he cleared for the Cape de Verde islands—as per clearance produced—and that he touched on several ports, to wit: Benguela and Ambriz, on the coast of Africa, with the hope and intent of making a favorable sale of said barque; failing in which, it was his design to prosecute his voyage to the Cape de Verdes, and take in a cargo of salt, either for the United States or Brazil.

And the deponent further saith, that, on the 14th day of March, 1850, being then off the coast of Benguela, in Africa, eighty miles at sea, he was boarded by her Britannic Majesty's brig "Water-Witch"—for which he voluntarily hove-to for some two hours; that the boarding officer care-

fully examined the papers of said barque; and at 11 a. m. the two vessels parted. The deponent then steered for the port of Benguela all the succeeding night, and stood off shore toward morning to wait for daylight, when the deponent was aroused by the report of a great gun; and shortly after the noise of a shot passing close ahead, fired from a second gun, caused the deponent to heave-to. The same man-of-war brig then came up and sent a party, in three boats, under the first lieutenant of said brig "Water-Witch," who took charge of the vessel as soon as they came on board, taking the wheel, &c. The papers of the said barque were again examined—a midshipman was left in charge on deck, two of the boarding boats were sent back to the "Water-Witch," and the barque remained in possession of the boarding party, as aforesaid, from about half-past 2 a. m. of the 15th to 10 a. m. of the same day. The commander of said brig—named Guim, or some name like it—came on board at 9 or 9½ a. m., and then gave the vessel up, with a promise that he would keep within gun-shot until he put me (the deponent) under the "Perry's" guns, then supposed to be lying in the port of Benguela. To all which the deponent replied, that is all that he (deponent) wanted, if he persisted in detaining him.

And the deponent further saith, that he sailed thence for Ambriz, or the Congo, and that he arrived near Ambriz, fifteen miles south thereof, on the morning of the 19th of March, when, about 8 of the clock in the forenoon, the "Navarre" was boarded by the launch of the steamer "Firefly," which boat was commanded by a Mr. Downard, who remained on board, with the people of the boat, until the "Firefly" was hauled up—say 11 of the clock a. m. The said officer of the launch closely examined the papers of the said barque.

About half-past 2 p. m. of the same day, 19th March, the deponent anchored at Ambriz; when he (the deponent) was forthwith boarded by another boat, under the first lieutenant, who required the crew of the "Navarre" to be sent from their duty on the yards (furling sails) to the deck, and they were mustered a second time that day by a second officer. The papers were again examined by said lieutenant, after which he returned on board the British steamer "Firefly."

And here the deponent further saith, that the crew of the British steamer "Firefly" was mustered, and the meditated capture made known to them by her officers, and the risk thereof; and the proposal was made, and an understanding had mutually, that, in the event of the capture being an unlawful one, all the parties on board the British steamer would agree to share the damages in the same proportion that each would have shared in her if a lawful prize—not of his own knowledge, but as he heard from the first and second lieutenants of said British steamer "Firefly."

And the deponent further saith, that, being harassed with the investigation so often repeated, and anxious to go on shore on his (deponent's) business, that he got into his boat for the purpose, and he proceeded some distance, when he was overhauled by a boat of the "Firefly," with her commander in her, and taken back to his vessel, the "Navarre;" and thereupon the said commander of "Firefly" examined his papers, being the fourth time during the period of four hours' detention that said papers had been demanded and examined.

And the deponent saith, that he believes he finally condemned the

papers, as follows, by the persuasion of his officers, which he, the said commander, announced by saying to deponent that the papers were false, and the deponent a prisoner, ordering the lieutenant to take charge of the vessel. The United States flag was then flying, and was not hauled down for twenty-five minutes afterwards, when the deponent ordered his mate to haul down the American colors, notifying the British officers that he threw the vessel on their hands, and that he would make his protest before competent authority of the illegal capture of his vessel.

The deponent further saith, that the boarding party had previously looked into the main hold, by forcing the communicating door with the between-decks, and were lifting the main hatches, when he (deponent) abandoned the vessel on their hands.

And the deponent further saith, that the papers of said barque "Navarre" were true and lawful papers; that all the said papers would now be produced, but for the destruction of the sea-letter, bill of sale, and crew list, by the tearing up of the same in presence of deponent by the officer who became prize master, and who threw, with his own hand, the fragments thereof out of the cabin window of said barque "Navarre."

And the deponent further saith, that he was in no manner a party to the hoisting of the Brazilian flag on board the barque "Navarre;" that it was done after the deponent had abandoned the vessel to the captors, under his aforesaid verbal protest, and whilst deponent was in her cabin, endeavoring to save his papers and property.

And further solemnly declares, that he (the deponent) never again had the above-recited lost papers in his possession, after said papers had passed into the hands of the commander of the British steamer-of-war the "Firefly."

And further the deponent saith not.

ROBERT J. CLARK.

Sworn to and subscribed before me, the said L. M. Powell, this sixteenth day of April, 1850.

L. M. POWELL,

Commander United States Navy.

In presence of—

HENRY L. BAINBRIDGE.

JANUARY 10, 1850.

"The barque "Pilot," stated to be an American, was boarded this day by H. B. M. steam-vessel "Pluto," Lieutenant Jolliffe, who, on going on board the "Cyclops," reported to me that he doubted the nationality of the "Pilot." On the "Pilot" anchoring at Ambriz, I proceeded, in company with Lieutenant Dew, of the "Cyclops," and, on seeing the master, he stated that the "Pilot" had been sold at Rio, and that after the sale he (Myers) was appointed master by the new owner. He produced the old register, previous to sale, but no sea-letter or permission from the United States consul to trade under the present ownership. Doubting, therefore, the "Pilot's" nationality, and having a similar case with respect to the brigantine "Casco," lately captured and condemned at St. Helena, I proceeded to examine the crew, and found one or two Americans—the remainder Brazilians; and, further, on looking into the hold, I found the

Ex.—3

"Pilot" had no cargo on board, but a slave-deck laid, water and ~~food~~ on board, and perfect equipment for the shipment of slaves. Therefore, I am fully convinced that the American flag, now at the mizzen or peak, she is not entitled to; and, in consequence of the suspicion of her nationality, detained her, either for the purpose of handing over to the first American ship-of-war I may fall in with, or to send her for adjudication.

G. F. HASTINGS,

*Captain commanding H. B. M. steamer "Cyclops,"
and senior officer of Southern Division.*

Witness: R. Dew,
Lieutenant R. N.

UNITED STATES BRIG "PERRY,"
Off Ambriz, March 25, 1850.

SIR: Will you do me the favor to give me a detailed account of the circumstances attending the capture of the barque "Navarre" by her Majesty's steamer "Firefly?"

I ask for the information as the "Navarre" was boarded when under American colors, although displaying Brazilian colors when captured.

I have the honor to be, sir, respectfully,
ANDREW H. FOOTE.

Commander JOHN TUDOR,
Com'g H. B. M. steamer "Firefly."

H. B. M. STEAMER "FIREFLY,"
Off Ambriz, March 26, 1850.

SIR: In reply to your letter of the 25th instant, I beg to inform you that the slave barque seized under Brazilian flag, 19th instant, had flying, at the time she was boarded, an American ensign. The boarding officer having doubts of her nationality, in consequence of her papers not appearing to be regular, I, although severely ill of diarrhœa at the time, considered it my duty to go on board; when, being convinced that her papers were false, I informed the person calling himself master of her that it was my duty to send him to the American squadron, or, in the event of not falling in with them, to New York. He said he hoped I would not do so. I told him I had no alternative. He immediately went upon deck and ordered the American ensign to be hauled down, to throw it overboard, and to hoist their proper colors. The American ensign was hauled down and thrown overboard by the mate, who immediately hoisted the Brazilian ensign. A man now came on deck from below, saying "I am the captain of this vessel: she is Brazilian property, and fully fitted for the slave trade"—which the person who first appeared acknowledged, stating that he was himself a Brazilian subject. Having obtained this from them in writing—the person who first called himself captain having signed it as "Antonio Jose Famia"—and having had the signing of the document witnessed by two officers of the "Firefly," I now opened her hatches, found all the Brazilian crew below, slave-deck laid, water filled, provisions for the slaves, and slave shackles.

The Americans on board expressed a wish not to be landed at Ambriz. I asked them if they wished to be given up to an American man-of-war; if so, I would take them on board the "Firefly." They said they would; that when they left Rio they were not aware they had shipped for a slaving voyage, and did not know it until she regularly fitted as a slaver at St. Catharine's. I took them on board, and delivered them up to you at St. Paul de Loando.

I have the honor to be, sir, your obedient humble servant,
 JOHN TUDOR, *Commander.*
 Captain FOOTE,
U. S. sloop-of-war "Perry."

HER MAJESTY'S STEAMER "FIREFLY,"
Loando, March 21, 1850.

SIR: I beg to forward you the information you requested, relative to vessels that have been boarded by the "Firefly," or her boats, upon her station off the "Congo," under the American flag. All of these vessels have taken slaves from some part of the coast or other, and, with the exception of the "Lucy Ann," taken by her Majesty's ship "Rattler," with five hundred and upwards on board, have escaped, although each of them has been boarded by most of the cruisers on the station previous to shipping; but, not having the right of search, upon overhauling their papers, and to the best of our judgment not being able to detect any inaccuracies in such papers, our duty with the American flag ended. These are vessels that have been boarded by myself or boats; but the senior officer of the division (the Hon. Captain Hastings) can give you a list of many more, all of which would have been good prizes to any American man-of-war or officer having the right of search, for we are well assured that all of them came over to this coast fully fitted and equipped for the slave trade.

From the sentiments you expressed when I had the pleasure of seeing you, last night, relative to the determination of your government not to allow the flag of the States to be made use of as a cover to carry on this inhuman traffic, I regret much that the pleasure of making your acquaintance has only fallen to my lot at a moment when the time of my service on this western coast of Africa has expired; but feel satisfied that not only on the part of the senior officer of the division, (the Hon. Captain Hastings,) but also of my brother officers still remaining on service on the coast, you will meet the most cordial co-operation in the suppression of the slave trade.

I sail to-morrow on my way towards England, and shall be most happy to take charge of any letters or despatches you may wish to send.

I send you a gun for your boat-service, which, as it is my own private property, I beg you to accept; and with every wish for your success, I have the honor to be, sir, your most obedient and humble servant,

JOHN TUDOR,
Commander.

To Captain FOOTE,
United States sloop-of-war "Perry."

Names of ves- sels.	Rig.	Where boarded.	Where be- longing.	Where from.	Where bound.
Meteor.....	Brig	River Congo..	Baltimore ..	Rio de Janeiro..	River Congo.
R. de Zaldo....	Brig	do.....	(Boarded by	the boats.)	
Chester.....	Barque	do.....	New York ..	Victoria.....	River Congo.
Chatsworth....	Brigantine..	do.....	Baltimore ..	Bahia.....	Do.
Lucy Ann.....	Brig	do.....	Boston.....	Rio de Janeiro..	Do.

Barque "Adelaide," 248, S. S. Gamage, master—entered August 18, 1848; sailed September 12, 1848.

Barque "La Grange," 159, August Levett, master—entered September 8, 1848; sailed October 24, 1848.

Hermaphrodite brig "Bridgeton," 144, Buckley, master—entered September 27, 1848; sailed October 1, 1848.

Barque "Ennomus," 240, Appleton, master—entered December 23, 1848; sailed December 31, 1848.

Brig "Harriet," 228, T. Dulins, master—entered January 2, 1849; sailed January 11, 1849.

Brig "Albertine," 203, Montgomery, master—entered January 13, 1849; sailed January 21, 1849.

Brigantine "Whig," of New York—entered January 13, 1849; sailed January 21, 1849.

Barque "Casco"—entered January 13, 1849; sailed January 21, 1849.

Brig "Imogen"—entered January 13, 1849; sailed January 21, 1849.

Brig "Rowena"—entered January 13, 1849; sailed January 21, 1849.

Barque "Pilot," of Boston—entered January 13, 1849; sailed January 21, 1849.

Hermaphrodite brig "Chatsworth," 1,846, J. D. Johnson, master—entered January 11, 1850; sailed January 21, 1850.

Barque "Mary Richardson"—entered January 11, 1850; sailed January 21, 1850.

Brig "Lucy Ann"—entered January 11, 1850; sailed January 21, 1850.

NOTE BY L. M. POWELL.—I believe these vessels have all been captured, with the "Ann D. Richardson," "Huntingdon," "Snow," "Incarnacion," and others.

UNITED STATES SHIP "JOHN ADAMS,"

Off Ambriz, April 19, 1850.

SIR: I have herewith the honor to acknowledge the receipt of your letter of the 11th April, together with the enclosure of a copy of a portion of your instructions, which you have so kindly communicated for my information.

You have taken great trouble to answer the complaint of the master of the "Catharine" and others; and, although I feel bound to transmit the document to the commander-in-chief, yet the object of the government is in a great measure accomplished in bringing this subject before the higher

authorities of both squadrons. In explanation of that portion of my letter quoted by you, I believe that I speak by authority when I say that "the United States are sincerely desirous wholly to suppress the iniquitous traffic, and with that view have declared it to be piracy."

It is also to be observed that the piracy of which I speak is piracy by the laws of nations, and not that which is made so by the municipal laws of any particular country. Of the latter character is the slave trade, which is declared to be piracy by act of Congress. The right, therefore, which, by the general consent of nations, exists in regard to vessels suspected of being engaged in piracy, does not extend to those suspected of being engaged in the slave trade. As to them there is no *right* of visitation or search, so far as American vessels are concerned, except by our own vessels of war. But the claim of the United States that their trading vessels shall not be visited for *any* purpose (except on suspicion of piracy) by the cruisers of other nations, presupposes that the vessel visited is *really* American. In what manner this fact is to be ascertained, is the only question which presents any difficulty.

The flag which the vessel wears is *prima facie* evidence, although it is not conclusive proof, of her nationality. It is a mere emblem, and loses its true character when it is worn by those who have no right to wear it. Any vessel which displays the American flag claims to be American, and therefore may be rightfully boarded and examined by an American cruiser, *if* there be any circumstances attending her to justify a suspicion that she is not what she professes to be. But the privilege does not extend to cruisers of any other nation; that is, it cannot be conceded to them as a *right*. The United States certainly do not claim that the mere hoisting of their flag shall give immunity to those who have no right to wear it. Such a pretension would subject their flag to degradation and dishonor, because it would make it a cover for other crimes of similar atrocity. But they *do* claim that their own citizens who rightfully display it shall have all the protection which it implies. Whenever, therefore, a cruiser of any other nation shall venture to board a vessel under the flag of the United States, she will do it on her own responsibility for all the consequences.

The eighth article of the treaty seems to have been agreed to with the undoubted view of preventing all difficulty or disagreement on this point, and to enable the naval officers of the respective parties to it to co-operate, mainly (in addition to the suppression of the slave trade) in order to remove all cause or pretext for the exercise of either scrutiny or protection over the commerce of each other.

Thus far I believe I may venture to say that I express the views and policy recognised by our government, and for any violation of which, by them, or with their consent, the naval officers of the United States will be held accountable.

Nor are these principles held to be true when applied to foreign officers only. The same obligations are imposed on the naval officers of the United States in their relations with the vessels of all other nations. No right of visit, no right of search, no scrutiny or examination, no interference whatever with the merchant marine of other nations, is authorized or countenanced by the government of the United States, except in cases of well-grounded suspicions of piracy.

Notwithstanding, such is the exigency of the duties of the naval service,

that I need not tell you our naval officers are often called on to visit vessels of all nations on the high seas, whenever, under a foreign flag, the visit is one of courtesy, solely for the purpose of giving and receiving information, and I may add, perhaps, of cultivating those amicable feelings, by friendly acts, which are enjoined by our government with great earnestness in their *instructions*.

I feel obliged to you for so much of your instructions as you have kindly communicated to me. When we thus know the boundary, we are better prepared to keep within the limits. Be pleased to accept the foregoing as my response to the points therein, and as a more full explanation of my letter of the 10th.

Notwithstanding these variant views, I doubt not, when the cases arise, a common ground broad enough for both will easily be found by officers sincerely desirous of effecting the humane purpose of our common object.

I am, sir, very respectfully, your most obedient servant,

L. M. POWELL, *Commander*.

To Captain the Hon. GEORGE F. HASTINGS,

Com'g her Britannic Majesty's steam-ship "Cyclops,"

senior officer in command of Southern Division of her

Britannic Majesty's naval forces, southwest coast of Africa.

HER BRITANNIC MAJESTY'S STEAM-SHIP "CYCLOPS,"

Off Ambriz, southwest coast of Africa, April 18, 1850.

SIR: In reply to your letter of the 8th instant, forwarding an affidavit made before you, marked A, by Braddick Chester, mate of the American brigantine "Louisa Beaton," relative to the inspection of that vessel's hold by an officer of her Britannic Majesty's sloop "Flying Fish," on the 28th of March last, off Kabenda, I acquaint you that, having met the "Flying Fish" this day, and placed the subject before her commander, he has forwarded me his reply, a copy of which, marked No. 1, I transmit for your information, and trust that the same will be satisfactory to you.

Whilst lying at Ambriz, in her Britannic Majesty's steam-ship under my command, on the 8th instant, the ship you command being in company, the "Louisa Beaton" arrived at that anchorage; and, ascertaining that some cabin supplies could be procured from that vessel, several of the officers of the ship visited her for the purpose of purchasing a few articles—the master of the said vessel being, I believe, on board the ship you command at the same time, making the complaint you forwarded to me relative to the charge affecting an officer of the "Flying Fish." It so happened that two of the officers of the "Cyclops" entered into conversation with the lady passenger, who it appears is the master's wife; and, in the course of conversation, without any solicitation on their part, she related the particulars of the occurrence before mentioned, and, on their return to the "Cyclops," having heard the charge made by Mr. Bailey, the husband of the lady, they handed me a statement, of which the enclosed, marked No. 2, is a copy.

I would further observe, that the boarding of the "Louisa Beaton" by the "Flying Fish" took place, or is said to have taken place, on the 28th March, between which date and the 8th instant she was boarded by her Britannic Majesty's steam-ships "Gladiator" and "Rattler," also by the

United States brig-of-war "Perry;" and I am informed by the respective officers commanding these vessels (for I made it my business to inquire of them) that no complaint was made to those officers, on their boarding her, by the master of the "Louisa Beaton," against the act said to be committed by the officer of the "Flying Fish," on the date alluded to; and it does, therefore, appear to me that having heard that a correspondence was passing between us, on the 8th instant, having reference to the recent capture of Brazilian vessels, who attempted to evade the search of her Britannic Majesty's cruisers by displaying an American ensign and presenting fraudulent American papers, induced the party to come before you with an imaginary complaint of the interference by a British officer with an American vessel.

The mate of the Brazilian barque "Navarre's" affidavit is also dated the same day—when the said mate had the opportunity, as I have previously stated to you in my letter of the 9th instant, the very day after the capture of his vessel, by presenting himself, in the harbor of Loando, before the United States officer in command of the "Perry," at the time the "Firefly" was present there, to make the affidavit or complaint in question; but none was made at that period.

I hope the explanations offered will be deemed satisfactory; and acquaint you that the whole of the correspondence which has passed between us will be submitted by me to my commander-in-chief, who, I have no doubt, will take an early opportunity of communicating with Commodore Gregory, commanding the United States squadron on this coast, on the subject.

I have the honor to be, sir, your obedient servant,

GEO. F. HASTINGS,

Captain in her Britannic Majesty's Navy.

LEVIN M. POWELL, Esq.,

Commander United States Navy, commanding

United States ship "John Adams," senior officer

of the United States naval forces south of the equator.

No. 1.

HER MAJESTY'S SLOOP "FLYING FISH,"

Off Ambriz, April 18, 1850.

SIR: In compliance with your directions, I have called upon the officer (Lieutenant Holme) sent in charge of the boats of her Majesty's sloop "Flying Fish," under my command, which were sent to board a strange sail on the evening of the 21st of March, (and not the 28th, as your letter states,) which proved to be the "Louisa Beaton;" and herewith enclose the statement of Lieutenant Holme, relating fully the particulars of his proceedings on board of said vessel. Being fully acquainted with the stringent orders requiring great caution to prevent giving ground of complaint on boarding vessels displaying the colors of the United States of America, I have not failed to impress on the officers appointed to this duty the necessity of strict adherence both to the letter and spirit of them.

It being about nine o'clock in the evening, and consequently dark, when the "Louisa Beaton" was boarded, no colors were displayed on board either vessel; consequently, the vessel was not known to be of the United States of America until boarded by Lieutenant Holme. I beg to add, in confirmation of Lieutenant Holme's letter, that, on his return to her Majes-

ty's sloop under my command, and reporting to me his proceedings on board the "Louisa Beaton," it perfectly agreed with the statement which he now makes in his letter—the truth of which is further confirmed by the report which you have enclosed to me from your office, which it appears they received in the course of a conversation with the wife of the master of the said vessel, some time after the occurrence complained of. I may further add, that I have no reason to imagine the master of the "Louisa Beaton" had any complaint to make as to the manner of Lieutenant Holme's examination, as, on the forenoon of the following day, the vessels being becalmed near each other, I gave permission to some of the officers of the "Flying Fish" to go on board the said vessel, for the purpose of purchasing supplies for their messes &c., which they were most readily supplied with, and I am informed that the greatest good feeling existed between them. Neither did I receive from the master of the vessel any communication, or complaint relative to boarding the vessel by Lieutenant Holme, on the previous evening.

I have the honor to be, sir, your obedient servant,

G. EDWIN PATEY,

Commander.

Captain the Honorable G. F. HASTINGS,
Her Majesty's steam-ship "Cyclops."

HER MAJESTY'S SLOOP "FLYING FISH,"

Off Ambriz, April 18, 1850.

SIR: In compliance with your directions, I beg to state the particulars of the boarding of the "Louisa Beaton" by the boats of this sloop, under my charge, on the night of the 21st (the "Louisa Beaton" was boarded on the 21st, not 28th, March, by the boats of her Majesty's sloop "Flying Fish") March last, off Kabenda.

On boarding, I examined the vessel's papers, to ascertain her nationality; but, seeing on her deck some large water-casks and plank, I asked the master if he would permit me to look into his hold, as several vessels had lately been captured wearing the colors of the United States, but whose papers, on examination, were found to be false. He answered that he was aware of the abuse of his flag, and that he in no way objected to satisfy me in respect to his cargo; and *himself* ordered the hatches to be taken off. I then entered the afterhold, a man with a lantern attending. But a part of the cargo was disturbed. The master then *asked* me if I would like to examine the forehold. I assented. When I descended, the mate (I think) pointed to some casks containing powder, but not until the lantern had been lowered into the hold. I should think that the examination lasted about fifteen minutes, after which I spent some time with him in conversation with the master—during which time, and in subsequent communications, he made no complaint of my proceedings. And I beg further to say, that the vessel was not in any way detained.

I have the honor to be, sir, your most obedient servant,

E. F. HOLME, *Lieutenant.*

GEO. E. PATEY, Esq.,
Commander H. M. sloop "Flying Fish."

P. S.—I may be permitted to add that my report is fully borne out by the statement of the master's wife to the officers of the "Cyclops," in which it will be perceived that no complaint was made at the time of the manner of my examination.

E. F. H.

No. 2.

HER MAJESTY'S STEAM-SHIP "CYCLOPS,"
Off Ambriz, April 8, 1850.

We, the undersigned, do hereby certify, that on this day we were present in the cabin of the American brigantine "Louisa Beaton," and were informed by Mrs. Bailey, the captain's wife, "that, on the evening of the 28th of March last, the said vessel was suddenly boarded by a boat of her Majesty's sloop 'Flying Fish;' that, after ascertaining her nationality, the boarding officer said to Mr. Bailey, 'I dare say it is all right; but what are you doing with all these water-casks on deck? Have you any objection to letting me see your holds?' Upon which my husband immediately ordered the mate to open them; and the boarding officer was so well pleased with their contents, that some of the officers of the 'Flying Fish' visited the 'Louisa Beaton' the next day, and made considerable purchases for their messes from her stock of sundries."

H. ADAIR,
First Lieutenant Royal Marine Artillery.
H. J. K. MIELL,
Clerk.

UNITED STATES SHIP "PORTSMOUTH,"
Porto Praya, June 8, 1850.

SIR: I have the honor to transmit you herewith a report from Commander Marston, covering the complaint of Captain Benjamin Joseph, of the brig "Bridgeton," of Philadelphia, that his vessel had been improperly boarded by the British gun-brig "Contest," with the correspondence had on the subject. The only objection I find to Commander Marston's conduct on the occasion is, that he should have expressed himself satisfied, when it was his duty to have left it an open question, and referred the matter to me.

I had information that the brig "Bridgeton" was on the coast for the purpose of being employed as a slave; that she sailed from Bahia with an entire crew of Brazilians, excepting the captain. Commander Marston found that her crew were Brazilians, but suffered her to pass on a certificate of the United States consul at Bahia "that Americans could not be obtained for the voyage." I have every reason to believe that this vessel, after having been supplied with an anchor from the "Yorktown," left the coast with a cargo of slaves. The law requires that all American vessels shall have a certain portion of their crews Americans. I am not aware that an American consul has the power, under any circumstances, of deviating from the law. I would respectfully request your instructions on

this point; for I would certainly have arrested the "Bridgeton," had I fallen in with her.

I have the honor to be, very respectfully, your obedient servant,
F. H. GREGORY,
Commanding African Squadron.

HON. WM. BALLARD PRESTON,
Secretary of the Navy, Washington, D. C.

UNITED STATES SHIP "YORKTOWN,"
Monrovia Roads, April 8, 1850.

SIR: I deem it my duty specially to report to you, that, while lying at Quitta, the American brig "Bridgeton," of Philadelphia, came in, the captain of which, Benjamin Joseph, reported to me that her Britannic Majesty's brig "Contest," commanded by the Hon. J. W. S. Spencer, then at anchor near me, had, on the night of the 27th February, boarded him, and searched every part of his vessel, going down into the hold with lights, opening casks, lockers, &c., &c. I immediately took his deposition, in confirmation of what he had stated to me, which he swore to, in presence of proper witnesses, and which is herewith enclosed to you. I then wrote to Captain Spencer, protesting against his searching any American vessel in future—a copy of which communication I herein enclose to you, as also a copy of his answer to the same, as well as that of my reply to him.

Trusting that my action in the case will prove satisfactory to our government, as well as to yourself, I have the honor to be, very respectfully, your obedient servant,

JOHN MARSTON, *Commander.*

COM. FRANCIS H. GREGORY,
Commanding U. S. naval forces, west coast of Africa.

UNITED STATES SHIP "YORKTOWN,"
Off Quitta, March 2, 1850.

SIR: Since I had the pleasure of seeing you this morning, I have had an interview with Benjamin Joseph, the master of the American brig "Bridgeton," of Philadelphia, who informed me that, on the night of the 27th of February, he was boarded by a boat from your brig, and that your officers and men, after having been informed of his nationality, searched every part of his vessel, opening lockers, and going down into the hold with lights, opening casks, &c.

The United States do not recognise the right of any nation to search an American vessel; and one of the chief objects of the treaty between our respective governments in placing an American squadron on this coast was to avoid any difficulty which might arise from vessels of Great Britain visiting those of America.

I therefore deem it my duty to protest against your searching any Amer-

can vessel in future, and to inform you that the present instance will be referred to my government.

I have the honor to be, very respectfully, your obedient servant,
 JOHN MARSTON,
Commander U. S. N.

Captain SPENCER,
Commanding H. B. M. brig "Contest," off Quitta.

HER BRITANNIC MAJESTY'S SLOOP "CONTEST,"
Off Quitta, March 2, 1850.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, relative to a statement made by the master of the brigantine "Bridgeton," of being searched, on the evening of the 27th ultimo, by a boat belonging to her Majesty's brig under my command.

I beg leave to inform you that your letter gave me the first intimation that such an occurrence had taken place.

I have since made inquiries from the subordinate officer, who was sent on board the "Bridgeton" for the sole purpose of bringing that vessel's log and passport, by the master's request; and I very much regret to find that the subordinate officer allowed his boat's crew to leave their boat, and that they looked into the hold and a locker; but all deny having made any further search.

I can only express my sincere regret that the officer should so much have neglected his duty as to allow *any of his crew* to leave their boat. Our instructions particularly direct that, when a search is to be made, the officer's rank shall not be *under third* in command; and as this officer is very junior, I trust that you will see that no infringement on the treaty between the United States and Great Britain was intended, as, had it been my intention to search, I should have sent the second lieutenant, at least.

I have the honor to be, very respectfully, your obedient servant,
 JOHN W. S. SPENCER,
Commander.

Captain J. MARSTON,
*United States Navy, commanding U. S. ship "Yorktown,"
 off Quitta.*

UNITED STATES SHIP "YORKTOWN,"
Off Quitta, March 2, 1850.

SIR: I have the honor to acknowledge the receipt of your letter, in answer to mine of this day, and have pleasure in saying that, so far as you are concerned, it is perfectly satisfactory, and I shall feel gratified in forwarding a copy of the same to the commander-in-chief.

The young officer whom you speak of as having disobeyed your orders, no doubt, did it under a misapprehension of his duty, and I trust that it will be so considered by Commodore Fanshawe.

I have the honor to be, very respectfully, your obedient servant,
 JOHN MARSTON,
Commander.

Captain JOHN W. S. SPENCER,
Commanding H. B. M. brig "Contest," off Quitta.

UNITED STATES SHIP "YORKTOWN,"

Off Quitta, March 2, 1850.

This is to certify that I command the American hermaphrodite brig "Bridgeton," of Philadelphia; and that, on the night of the 27th of February, 1850, I was boarded by a boat from her Britannic Majesty's brig "Contest," Captain Spencer, and that every part of my vessel was searched with lights by the English officers and men, opening casks, lockers, &c., &c.

BENJAMIN JOSEPH,

Master of the American brig Bridgeton, of Philadelphia.

Signed, sealed, and sworn to in my presence.

JOHN MARSTON,

Commander.

Witnesses:

THOMAS R. ROOTES, *Lieutenant.*JOHN L. FOX, *Surgeon.*

UNITED STATES SHIP "PORTSMOUTH,"

Porto Praya, June 8, 1850.

SIR: I have the honor to enclose you the copy of a letter from Commander Slaughter, covering the report of Captain H. N. Canfield, of the American schooner "David C. Foster," complaining of the conduct of the commander of the British brig-of-war "Wolverine."

I shall take the earliest opportunity of bringing the matter to the notice of the commander of the British forces.

I have the honor to be, very respectfully, your obedient servant,

F. H. GREGORY,

Commanding African Squadron.

Hon. WM. BALLARD PRESTON,

Secretary of the Navy, Washington, D. C..

UNITED STATES BRIG "BAINBRIDGE,"

Porto Praya, May 28, 1850.

SIR: I have the honor to lay before you a communication (together with a fair copy of the same) made me by the master of the American schooner "David C. Foster," complaining of the insult offered the American flag by the commander of her Britannic Majesty's brig the "Wolverine," in firing at his vessel, and his unjustifiable procedure in ordering the schooner to heave-to, that he might send a boat on board to examine her at his leisure, which was unceremoniously done—the officers coming on board without asking permission, and the vessel thereby subject to detention, when it was highly important she should reach her port of destination as soon as possible, for reasons therein assigned. I respectfully submit this statement to you for consideration, as I have no authority to act in the case.

I am, sir, very respectfully, your obedient servant,

A. G. SLAUGHTER,

Commander.

Commodore FRANCIS H. GREGORY,

Commanding African Squadron, Porto Praya.

SCHOONER "DAVID C. FOSTER,"
Liberia, Port of Monrovia, May 13, 1850.

DEAR SIR: I wish to inform you that I have been detained by the British brig-of-war "Wolverine," while on a voyage from New Orleans to Liberia, that caused much suffering on board. The particulars, perhaps, will be worth your notice, and, as I have been put to considerable expense and trouble, I feel it my duty to lay them before you for your consideration:

March 12.—The schooner "David C. Foster" was cleared in New Orleans, with seventy-eight emigrants as passengers, with their provisions, for the port of Monrovia, Liberia.

March 17.—Put to sea. After twenty-five days at sea, finding that I was short of wood, it was thought proper to cook but one meal per day.

May 1.—The last of the wood was consumed in latitude $7^{\circ} 50' N.$, longitude $13^{\circ} 38' W.$

May 2.—Eight o'clock a. m., made a brig on our lee bow, about 12 miles distant, steering about SE. by S. I was then steering ESE., with the wind SW. fresh. At 12 o'clock (same date) made Cape Mount, latitude $6^{\circ} 26' N.$, longitude $11^{\circ} 40' W.$ Altered my course to SE. by S., the brig being about six miles astern; made her out a brig-of-war.

May 3.—Three o'clock p. m., hoisted her colors; as soon as possible I hoisted the American colors. The wind getting light, she gained on the schooner fast. At half-past 4 o'clock, the wind breezing again, the brig began to drop astern. She then fired a gun for me to heave-to. I hove up in the wind, and hauled my jib-sheet to windward, and waited for her to come up with me. As soon as she was in hailing distance, she hailed me, and ordered me to shorten sail, that he might, at his pleasure, send a boat alongside. After the brig had shortened sail, a boat came alongside, with two officers and five men, (the officers coming on board without permission,) and very abruptly demanded to know who was the captain. I then informed them that I was the master of the vessel. He then said his only business was, to inform me that the reason the captain of the "Wolverine" detained me was because I did not hoist my colors sooner. After conversing between themselves for a few moments, they said they were satisfied, and got in their boat, and went on board the brig. I then made sail, and pursued my voyage for Monrovia. Had I not been detained, I should have arrived in port on Friday morning; but was afterwards becalmed, and did not get in port till it was too late to land my emigrants on Saturday; and there was much suffering, for want of proper food and fuel to cook with. If, then, you think the matter worth your notice, I ask for some protection against such insults when pursuing my lawful business.

Your obedient servant,

N. H. CANFIELD,

Master of the American schooner "David C. Foster."

Captain SLAUGHTER,

Of the American brig-of-war "Bainbridge."

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

RELATIVE TO

The claim of Texas to jurisdiction over part of New Mexico.

AUGUST 6, 1850.

Read, and ordered to lie on the table and be printed.

To the Senate and House of Representatives :

I herewith transmit to the two houses of Congress a letter from his Excellency the governor of Texas, dated on the 14th day of June last, addressed to the late President of the United States, which, not having been answered by him, came to my hands on his death; and I also transmit a copy of the answer which I have felt it to be my duty to cause to be made to that communication.

Congress will perceive that the governor of Texas officially states, that, by authority of the legislature of that State, he despatched a special commissioner with full power and instructions to extend the civil jurisdiction of the State over the unorganized counties of El Paso, Werth, Presidio, and Santa Fe, situated on its northwestern limits.

He proceeds to say that the commissioner had reported to him, in an official form, that the military officers employed in the service of the United States, stationed at Santa Fe, interposed adversely with the inhabitants to the fulfilment of his object in favor of the establishment of a separate State government east of the Rio Grande, and within the rightful limits of the State of Texas. These four counties, which Texas thus proposes to establish and organize as being within her own jurisdiction, extend over the whole of the territory east of the Rio Grande, which has heretofore been regarded as an essential and integral part of the department of New Mexico, and actually governed and possessed by her people until conquered and severed from the republic of Mexico by the American arms.

The legislature of Texas has been called together by her governor for the purpose, as is understood, of maintaining her claim to the territory east of the Rio Grande, and of establishing over it her own jurisdiction and her own laws by force.

These proceedings of Texas may well arrest the attention of all branches of the government of the United States; and I rejoice that they occur while the Congress is yet in session. It is, I fear, far from being

impossible that, in consequence of these proceedings of Texas, a crisis may be brought on which shall summon the two houses of Congress—and still more emphatically the executive government—to an immediate readiness for the performance of their respective duties.

By the constitution of the United States, the President is constituted commander-in-chief of the army and navy, and of the militia of the several States, when called into the actual service of the United States. The constitution declares, also, that he shall take care that the laws be faithfully executed; and that he shall, from time to time, give to the Congress information of the state of the Union.

Congress has power, by the constitution, to provide for calling forth the militia to execute the laws of the Union; and suitable and appropriate acts of Congress have been passed, as well for providing for calling forth the militia as for placing other suitable and efficient means in the hands of the President to enable him to discharge the constitutional functions of his office.

• The second section of the act of the 28th of February, 1795, declares that whenever the laws of the United States shall be opposed, or their execution obstructed in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or the power vested in the marshals, the President may call forth the militia, as far as may be necessary, to suppress such combinations, and to cause the laws to be duly executed.

By the act of March 3, 1807, it is provided that in all cases of obstruction to the laws either of the United States or any individual State or Territory, where it is lawful for the President to call forth the militia for the purpose of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States as shall be judged necessary.

These several enactments are now in full force; so that, if the laws of the United States are opposed or obstructed, in any State or Territory, by combinations too powerful to be suppressed by the judicial or civil authorities, it becomes a case in which it is the duty of the President either to call out the militia or to employ the military and naval force of the United States, or to do both, if, in his judgment, the exigency of the occasion shall so require, for the purpose of suppressing such combinations. The constitutional duty of the President is plain and peremptory, and the authority vested in him by law for its performance clear and ample.

Texas is a State, authorized to maintain her own laws, so far as they are not repugnant to the constitution, laws, and treaties of the United States; to suppress insurrections against her authority; and to punish those who may commit treason against the State, according to the forms provided by her own constitution and her own laws.

But all this power is local, and confined entirely within the limits of Texas herself. She can possibly confer no authority which can be lawfully exercised beyond her own boundaries.

All this is plain, and hardly needs argument or elucidation. If Texas militia, therefore, march into any one of the other States, or into any Territory of the United States, there to execute or enforce any law of Texas, they become at that moment trespassers; they are no longer under the protection of any lawful authority, and are to be regarded merely as

intruders; and if, within such State or Territory, they obstruct any law of the United States, either by power of arms or mere power of numbers, constituting such a combination as is too powerful to be suppressed by the civil authority, the President of the United States has no option left to him, but is bound to obey the solemn injunction of the constitution, and exercise the high powers vested in him by that instrument and by the acts of Congress.

Or if any civil *posse*, armed or unarmed, enter into any Territory of the United States, under the protection of the laws thereof, with intent to seize individuals, to be carried elsewhere for trial for alleged offences, and this *posse* be too powerful to be resisted by the local civil authorities, such seizure or attempt to seize is to be prevented or resisted by the authority of the United States.

The grave and important question now arises, whether there be in the Territory of New Mexico any existing law of the United States, opposition to which, or the obstruction of which, would constitute a case calling for the interposition of the authority vested in the President.

The constitution of the United States declares that "this constitution, and the laws of the United States which shall be made in pursuance thereof, and all the treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." If, therefore, New Mexico be a Territory of the United States, and if any treaty stipulation be in force therein, such treaty stipulation is the supreme law of the land, and is to be maintained and upheld accordingly.

In the letter to the governor of Texas, my reasons are given for believing that New Mexico is now a Territory of the United States, with the same extent and the same boundaries which belonged to it while in the actual possession of the republic of Mexico, and before the late war. In the early part of that war, both California and New Mexico were conquered by the arms of the United States, and were in the military possession of the United States at the date of the treaty of peace.

By that treaty, the title by conquest was confirmed, and these territories, provinces, or departments, separated from Mexico forever; and by the same treaty, certain important rights and securities were solemnly guarantied to the inhabitants residing therein.

By the 5th article of the treaty, it is declared that—

"The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called the Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence, up the middle of that river, following the deepest channel where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence westwardly, along the whole southern boundary of New Mexico, (which runs north of the town called Paso,) to its western termination; thence northward, along the western line of New Mexico, until it intersects the first branch of the river Gila, (or, if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific ocean."

The 8th article of the treaty is in the following terms :

"Mexicans now established in Territories previously belonging to Mexico, and which remain for the future within the limits of the United States as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican republic, retaining the property which they possess in the said Territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

"Those who shall prefer to remain in the said Territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the United States ; but they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty ; and those who shall remain in the said Territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

"In the said Territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy, with respect to it, guarantees equally ample as if the same belonged to citizens of the United States."

The 9th article of the treaty is in these words :

"The Mexicans who, in Territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the constitution, and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction."

It is plain, therefore, on the face of these treaty stipulations, that all Mexicans established in Territories north or east of the line of demarcation already mentioned come within the protection of the 9th article ; and that the treaty, being a part of the supreme law of the land, does extend over all such Mexicans, and assures to them perfect security in the free enjoyment of their liberty and property, as well as in the free exercise of their religion ; and this supreme law of the land, being thus in actual force over this territory, is to be maintained until it shall be displaced or superseded by other legal provisions ; and if it be obstructed or resisted by combinations too powerful to be suppressed by the civil authority, the case is one which comes within the provisions of law, and which obliges the President to enforce those provisions. Neither the constitution nor the laws, nor my duty nor my oath of office, leave me any alternative or any choice in my mode of action.

The executive government of the United States has no power or authority to determine what was the true line of boundary between Mexico and the United States before the treaty of Guadalupe Hidalgo ; nor has it any such power now, since the question has become a question between the State of Texas and the United States. So far as this boundary is doubtful, that doubt can only be removed by some act of Congress, to which the assent of the State of Texas may be necessary, or by some

appropriate mode of legal adjudication ; but, in the mean time, if disturbances or collisions arise or should be threatened, it is absolutely incumbent on the executive government, however painful the duty, to take care that the laws be faithfully maintained ; and he can regard only the actual state of things as it existed at the date of the treaty, and is bound to protect all inhabitants who were then established, and who now remain north and east of the line of demarcation, in the full enjoyment of their liberty and property, according to the provisions of the 9th article of the treaty : in other words, all must be now regarded as New Mexico which was possessed and occupied as New Mexico by citizens of Mexico at the date of the treaty, until a definite line of boundary shall be established by competent authority.

This assertion of duty to protect the people of New Mexico from threatened violence, or from seizure to be carried into Texas for trial for alleged offences against Texan laws, does not at all include any claim of power on the part of the Executive to establish any civil or military government within that Territory. *That power* belongs exclusively to the legislative department, and Congress is the sole judge of the time and manner of creating or authorizing any such government.

The duty of the Executive extends only to the execution of laws and the maintenance of treaties already in force, and the protection of all the people of the United States in the enjoyment of the rights which those treaties and laws guaranty.

It is exceedingly desirable that no occasion should arise for the exercise of the powers thus vested in the President by the constitution and the laws. With whatever mildness those powers might be executed, or however clear the case of necessity, yet consequences might nevertheless follow, of which no human sagacity can foresee either the evils or the end.

Having thus laid before Congress the communication of his Excellency the governor of Texas, and the answer thereto, and having made such observations as I have thought the occasion called for, respecting constitutional obligations which may arise in the further progress of things, and may devolve on me to be performed, I hope I shall not be regarded as stepping aside from the line of my duty, notwithstanding that I am aware, that the subject is now before both Houses, if I express my deep and earnest conviction of the importance of an immediate decision or arrangement or settlement of the question of boundary between Texas and the Territory of New Mexico. All considerations of justice, general expediency, and domestic tranquillity, call for this. It seems to be in its character, and by position, the first, or one of the first, of the questions growing out of the acquisition of California and New Mexico, and now requiring decision.

No government can be established for New Mexico, either State or Territorial, until it shall be first ascertained what New Mexico is, and what are her limits and boundaries. These cannot be fixed or known till the line of division between her and Texas shall be ascertained and established; and numerous and weighty reasons conspire, in my judgment, to show that this divisional line should be established by Congress, with the assent of the government of Texas. In the first place, this seems by far the most prompt mode of proceeding by which the end can be accomplished. If judicial proceedings were resorted to, such proceedings would necessarily be slow, and years would pass by, in all proba-

bility, before the controversy could be ended. So great a delay in this case is to be avoided, if possible. Such delay would be every way inconvenient, and might be the occasion of disturbances and collisions. For the same reason, I would, with the utmost deference to the wisdom of Congress, express a doubt of the expediency of the appointment of commissioners, and of an examination, estimate, and an award of indemnity to be made by them. This would be but a species of arbitration which might last as long as a suit at law.

So far as I am able to comprehend the case, the general facts are now all known, and Congress is as capable of deciding on it justly and properly now as it probably would be after the report of the commissioners. If the claim of title on the part of Texas appears to Congress to be well founded in whole or in part, it is in the competency of Congress to offer her an indemnity for the surrender of that claim. In a case like this, surrounded as it is by many cogent considerations, all calling for amicable adjustment and immediate settlement, the government of the United States would be justified, in my opinion, in allowing an indemnity to Texas, not unreasonable or extravagant, but fair, liberal, and awarded in a just spirit of accommodation.

I think no event would be hailed with more gratification by the people of the United States than the amicable adjustment of questions of difficulty which have now for a long time agitated the country, and occupied, to the exclusion of other subjects, the time and attention of Congress.

Having thus freely communicated the results of my own reflections on the most advisable mode of adjusting the boundary question, I shall nevertheless cheerfully acquiesce in any other mode which the wisdom of Congress may devise. And, in conclusion, I repeat my conviction that every consideration of the public interest manifests the necessity of a provision by Congress for the settlement of this boundary question before the present session be brought to a close. The settlement of other questions connected with the same subject, within the same period, is greatly to be desired; but the adjustment of this appears to me to be in the highest degree important. In the train of such an adjustment we may well hope that there will follow a return of harmony and good will, an increased attachment to the Union, and the general satisfaction of the country.

MILLARD FILLMORE.

WASHINGTON, *August 6, 1850.*

EXECUTIVE DEPARTMENT,
Austin, (Texas,) June 14, 1850.

SIR: By authority of the legislature of Texas, the executive of the State, in February last, despatched a special commissioner with full power and instructions to extend the civil jurisdiction of this State over the unorganized counties of El Paso, Worth, Presidio, and Santa Fe, situated upon its northwestern limits.

That commissioner has reported to me, in an official form, that the military officers employed in the service of the United States, stationed at Santa Fe, interposed adversely with the inhabitants to the fulfilment

of his object, by employing their influence in favor of the establishment of a separate State government east of the Rio Grande, and within the rightful limits of the State of Texas. I transmit to you herewith the proclamation of Colonel John Munroe, acting under the orders of the government of the United States, under the designation of civil and military governor of the Territory of New Mexico.

I have very respectfully to request that your excellency will cause me to be informed, at your earliest possible convenience, whether or not this officer has acted in this matter under the orders of his government, and whether his proclamation meets with the approval of the President of the United States.

With assurances of distinguished consideration, I have the honor to be your excellency's most obedient servant,

P. H. BELL.

His Excellency Z. TAYLOR,
President of the United States.

DEPARTMENT OF STATE,
Washington, August 5, 1850.

SIR: A letter addressed by you to the late President of the United States, and dated on the 14th of June last, has, since his lamented decease, been transferred to the hands of his successor, by whom I am directed to address to you the following answer:

In that letter you say that, by the authority of the legislature of Texas, the executive of that State, in February last, despatched a special commissioner with full power and instructions to extend the civil jurisdiction of that State over the unorganized counties of El Paso, Worth, Presidio, and Santa Fe, situated upon its northwestern limits, and that the commissioner has reported to you, in an official form, that the military officers employed in the service of the United States, stationed at Santa Fe, interposed adversely with the inhabitants to the fulfilment of his object, by employing their influence in favor of the establishment of a separate State government east of the Rio Grande, and within the rightful limits of the State of Texas. You also transmit a copy of the proclamation of Colonel John Munroe, acting under the orders of the government of the United States, under the designation of civil and military governor of the Territory of New Mexico, and respectfully request the President to cause you to be informed whether or not this officer has acted in this matter under the orders of his government, and whether his proclamation meets with the approval of the President of the United States.

In the events which have occurred, the President hardly knows whether your excellency would naturally expect an answer to this letter from him. His predecessor in office, to whom it was addressed, and under whose authority and direction the proclamation of Colonel Munroe was issued, is no more; and at this time that proclamation, whatever may be regarded as its true character, has ceased to have influence or effect. The meeting of the people of New Mexico by their representatives, which it invited, is understood to have taken place, although this government has as yet received no official information of it.

Partaking, however, in the fullest degree, in that high respect which

the executive government of the United States always entertains towards the governors and the governments of the States, the President thinks it his duty, nevertheless, to manifest that feeling of respect, by acknowledging and answering your letter. And this duty, let me assure your excellency, has been so long delayed only by uncontrollable circumstances, and is now performed at the earliest practicable moment, after the appointment of those heads of departments, and their acceptance of office, with whom it is usual, on important occasions, for the President of the United States to advise.

In answer, therefore, to your first interrogatory—viz: whether Colonel Munroe, in issuing the proclamation referred to, acted under the orders of this government—the President directs me to state that Colonel Munroe's proclamation appears to have been issued in pursuance or in consequence of an order or letter of instructions given by the late Secretary of War, under the authority of the late President, to Lieutenant Colonel McCall. Of this order, which bears date on the 19th of November, 1849, your excellency was undoubtedly informed at the date of your letter. A full and accurate copy, however, is attached to this communication. Colonel McCall is therein instructed that if the people of New Mexico, for whom Congress had provided no government, should manifest a wish to take any steps to establish a government for themselves, and apply for admission into the Union, it would be his duty, and the duty of others with whom he was associated, not to thwart, but to advance their wishes. This order does not appear to authorize any exertion of military authority, or of any official or even personal interference, to control or affect in any way the primary action of the people in the formation of a government, nor to permit any such interference by the subordinate officers. Colonel McCall and his associates were not called upon to take a lead in any measures, or even to recommend anything as fit to be adopted by the people. Their whole duty was confined to what they might be able to perform, subordinate to the wishes of the people. In this matter it was evidently contemplated that they were to act as the agents of the inhabitants, and not as officers of this government. It must be recollected that the only government then existing in the Territory was a *quasi* military government; and as Congress had made no provision for the establishment of any form of civil government, and as the President doubtless believed that, under these circumstances, the people had a right to frame a government for themselves, and submit it to Congress for its approval, the order was a direction that the then existing military government should not stand in the way of the accomplishment of the wishes of the people, nor thwart those wishes, if the people entertained them, for the establishment of a free, popular, republican civil government, for their own protection and benefit. This is evidently the whole purpose and object of the order. The military officer in command, and his associates, were American citizens, acquainted with the forms of civil and popular proceedings, and it was expected that they would aid the inhabitants of the Territory, by their advice and assistance, in their proceedings for establishing a government of their own. There is no reason to suppose that Colonel Munroe, an officer as much distinguished for prudence and discretion as for gallant conduct in arms, meant to act, or did act, otherwise than in entire subordination and subserviency to the will of the people among whom he was placed. He was not authorized to do, nor does

the President understand him as intending to do, anything whatever in his military character, nor to represent in any way the wishes of the Executive government of the United States.

To judge intelligently and fairly of these transactions, we must recall to our recollection the circumstances of the case as they then existed.

Previous to the war with Mexico, which commenced in May, 1846, and received the sanction of Congress on the 13th of that month, the Territory of New Mexico formed a department or State of the Mexican republic, and was governed by her laws. General Kearny, acting under orders from this government, invaded this department with an armed force; the governor fled at his approach, and the troops under his command dispersed; and General Kearny entered Santa Fe, the capital, on the 18th of August, 1846, and took possession of the territory in the name of the United States. On the 22d of that month he issued a proclamation to the inhabitants, stating the fact that he had taken possession of Santa Fe, at the head of his troops, and announcing his "intention to hold the department with its original boundaries, (on both sides of the del Norte,) and under the name of New Mexico." By that proclamation he promised to protect the inhabitants of New Mexico in their persons and property against their Indian enemies, and *all others*, and assured them that the United States intended to provide for them a free government, when the people would be called upon to exercise the rights of freemen in electing their own representatives to the Territorial legislature. On the same day he established a Territorial constitution by an organic law which provided for executive, legislative, and judicial departments of the government; defined the right of suffrage, and provided for trial by jury; and, at the same time, established a code of laws. This constitution declared that "the country heretofore known as New Mexico shall be known hereafter and designated as the Territory of New Mexico, in the United States of America;" and the members of the lower house of the legislature were apportioned among the counties established by the decree of the department of New Mexico, of June 17, 1844; which counties, it is understood, included all the territory over which Texas has lately attempted to organize counties and establish her own jurisdiction.

On the 22d of December, 1846, a copy of this constitution and code was transmitted by President Polk to the House of Representatives, in pursuance of a call on him by that body. In the message transmitting the constitution he says that "portions of it purport to establish and organize a *permanent* Territorial government over the Territory, and to impart to its inhabitants political rights which, under the constitution of the United States, can be enjoyed permanently only by citizens of the United States. These have not been approved and recognised by me. Such organized regulations as have been established in any of the conquered Territories for the security of our conquest, for the preservation of order, for the protection of the rights of the inhabitants, and for depriving the enemy of the advantages of these Territories, while the military possession of them by the forces of the United States continues, *will be recognised and approved.*"

Near four years have now elapsed since this *quasi* military government was established by military authority, and received, with the exceptions mentioned, the approval of President Polk. In the mean time, a treaty of peace has been concluded with Mexico, by which a boundary-line was

established that left this territory within the United States, thereby confirming to the United States by treaty what we had before acquired by conquest. The treaty, in perfect accordance with the proclamation of General Kearny, declared that the Mexicans remaining in this territory should be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to an enjoyment of all the rights of citizens of the United States, according to the principles of the constitution, "and in the mean time should be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction." Thus it will be perceived that the authority of the United States over New Mexico was the result of conquest, and the possession held of it, in the first place, was of course a military possession. The treaty added the title by cession to the already existing title by successful achievements in arms. With the peace there arose a natural expectation that, as early as possible, there would come a civil government to supersede the military. But until some such form of government should come into existence, it was matter of absolute necessity that the military government should continue, as otherwise the country must fall into absolute anarchy. And this has been the course generally, in the practice of civilized nations, when colonies or territories have been acquired by war, and their acquisition confirmed by treaty.

The military government, therefore, existing in New Mexico at the date of the order, existed there of inevitable necessity. It existed as much against the will of the executive government of the United States as against the will of the people. The late President had adopted the opinion that it was justifiable in the people of the Territory, under the circumstances, to form a constitution of government without any previous authority conferred by Congress, and thereupon to apply for admission into the Union. It was under this state of things, and under the influence of these opinions, that the order of the 19th November last was given, and executed in the manner we have seen. The order indicates no boundary and defines no territory, except by the name of New Mexico; and, so far as that indicates anything, it referred to a known territory which had been organized under military authority, approved by the Executive, and left without remonstrance or alteration by Congress, for more than three years. It appears to the President that such an order could not have been intended to invade the rights of Texas.

Secondly, you ask whether the proclamation of Colonel Munroe meet with the approval of the President of the United States. To determine this question, it is necessary to look at the *object* of the proclamation, and the *effect* of the proceedings had under it.

If the object was to assume the authority to settle the disputed boundary with Texas, then the President has no hesitation in saying that such object does not meet his approbation, because he does not believe that the executive branch of this government, or the inhabitants of New Mexico, or both combined, have any constitutional authority to settle that question. That belongs either to the judicial department of the federal government, or to the concurrent action, by agreement, of the legislative departments of the governments of the United States and Texas. But it has been sufficiently shown that Colonel Munroe could have had no such object, and that his intention was merely to act in aid of the people in

forming a State constitution to be submitted to Congress. Assuming, then, that such a constitution has been formed, what is its *effect* upon the disputed boundary? If it compromises the rights of either party to that question, then it does not meet the President's approbation; for he deems it his duty to leave the settlement of that question to the tribunal to which it constitutionally belongs. It is sufficient for him that this boundary is in dispute; that the territory east of the Rio del Norte seems to be claimed in good faith both by Texas and New Mexico, or rather by the United States. Whatever might be his judgment in regard to their respective rights, he has no power to decide upon them, or even to negotiate in regard to them; and therefore it would be improper for him to express any opinion. The subject-matter of dispute is between the United States and Texas, and not between the inhabitants of New Mexico and Texas. If those people should voluntarily consent to come under the jurisdiction of Texas, such consent would not bind the United States, or take away *their* title to the territory. So, on the other hand, if they should voluntarily claim the title for the United States, it would not deprive Texas of her rights. Whatever those rights might be, they can only be affected by her own acts or a judicial decision. The State constitution formed by New Mexico can have no legal validity until it is recognised and adopted by the law-making power of the United States. Until that is done, it has no sanction, and can have no effect upon the rights of Texas or of the United States to the territory in dispute; and it is not to be presumed that Congress will ever give its sanction to that constitution without first providing for the settlement of this boundary. Indeed, no government, either Territorial or State, can be formed for New Mexico without providing for settling this boundary. Hence he regards the formation of this State constitution as a mere nullity. It may be regarded, indeed, as a petition to Congress to be admitted as a State; but until Congress shall grant the prayer of such petition by legal enactments, it affects the rights of neither party.

But, as it is the right of all to petition Congress for any law which it may constitutionally pass, this people were in the exercise of a common right when they formed their constitution with a view of applying to Congress for admission as a State; and as he thinks the act can prejudice no one, he feels bound to approve of the conduct of Colonel Munroe in issuing the proclamation.

I am directed also to state, that, in the President's opinion, it would not be just to suppose that the late President desired to manifest any unfriendly attitude or aspect towards Texas or the claims of Texas. The boundary between Texas and New Mexico was known to be disputed; and it was equally well known that the executive government of the United States had no power to settle the dispute. It is believed that the executive power has not wished—it certainly does not now wish—to interfere with that question, in any manner whatever, as a question of title.

In one of his last communications to Congress—that of the 17th of June last—the late President repeated the declaration that he had no power to decide the question of boundary, and no desire to interfere with it, and that the authority to settle that question resided elsewhere. The object of the executive government has been, as I believe, and as I am authorized to say it certainly now is, to secure the peace of the country; to maintain, as far as practicable, the state of things as it existed at the date of the

treaty; and to uphold and preserve the rights of the respective parties as they were under the solemn guarantee of the treaty, until the highly interesting question of boundary should be finally settled by competent authority. This treaty, which is now a supreme law of the land, declares, as before stated, that the inhabitants shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion. It will of course be the President's duty to see that this law is sustained, and the protection which it guarantees made effectual; and this is the plain and open path of Executive duty, in which he proposes to tread.

Other transactions of a very grave character are alluded to and recited in your excellency's letter. To those transactions I am now directed not more particularly to advert, because the only questions propounded by you respect the authority under which Colonel Munroe acted, and the approval or disapproval of his proclamation. Your excellency's communication and this answer will be immediately laid before Congress, and the President will take that occasion to bring to its notice the transactions alluded to above.

It is known to your excellency that the questions growing out of the acquisition of California and New Mexico, and among them the highly important one of the boundary of Texas, have steadily engaged the attention of both houses of Congress for many months, and still engage it, with intense interest. It is understood that the legislature of Texas will be shortly in session, and will have the boundary question also before it. It is a delicate crisis in our public affairs, not free, certainly, from possible dangers; but let us confidently trust that justice, moderation, and patriotism, and the love of the Union, may inspire such counsels, both in the government of the United States and that of Texas, as shall carry the country through these dangers, and bring it safely out of them all. And with renewed assurances of the continuance of mutual respect and harmony in the great family of States,

I have the honor to be, with entire regard, your excellency's most obedient servant,

DANIEL WEBSTER,
Secretary of State.

To his Excellency P. H. BELL,
Governor of Texas.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

EXPLANATORY

Of his message relative to the claim of Texas to jurisdiction over part of New Mexico.

AUGUST 8, 1850.

Read, and ordered to be printed with the message on that subject.

To the Senate and House of Representatives:

It has been suggested that the language in the first paragraph of my message to the two houses of Congress of the 6th instant may convey the idea that Governor Bell's letter to my predecessor was received by him before his death. It was addressed to him, but appears in point of fact to have been sent to me, from the post office, after his death.

I make this communication to accompany the message, and prevent misapprehension.

MILLARD FILLMORE.

WASHINGTON, August 8, 1850.

REPORT
OF
THE ACTING SECRETARY OF THE INTERIOR,

RELATIVE TO

The swamp and overflowed lands in Louisiana.

AUGUST 26, 1850.

Ordered to lie on the table, and be printed.

SEPTEMBER 6, 1850.

Ordered that 2,000 extra copies be printed.

DEPARTMENT OF THE INTERIOR,
Washington, August 24, 1850.

Sir: I have the honor to transmit herewith a communication from the Commissioner of the General Land Office, dated the 20th instant, with accompanying documents, containing the information relative to the swamp and overflowed lands in Louisiana, called for by the Senate's resolution of the 23d ultimo.

I have the honor to be, sir, very respectfully, your obedient servant,
D. C. GODDARD,
Acting Secretary.

Hon. WM. R. KING,
President of the Senate.

GENERAL LAND OFFICE,
August 20, 1850.

Sir: I have the honor to acknowledge the receipt of the letter from your department of the 25th ultimo, enclosing a resolution of the Senate of the 23d ultimo, in relation to the swamp and overflowed lands in Louisiana; and, in answer to the first part of that resolution, I enclose a copy of the report made to this office on the 25th June last, by the principal clerk of surveys, in relation to these overflowed lands—he having been detailed, by order of the Secretary of the Interior, to go to Louisiana for that purpose.

In answer to the rest of that resolution, I have to state that, of the swamp lands in Louisiana, and those subject to overflow, it is estimated that there have been sold by the United States 1,719,188 acres.

Of the lands which will remain the property of the government after

the swamp and overflowed lands granted by the act of 2d March, 1849, shall have been certified to the State, it is estimated that—

4,700,000 acres have been in market 10 years.

949,413 " " " 20 "

2,000,600 " " " 30 "

This is exclusive of the lands in the Greensburg district. The reasons for excluding these lands from this statement is, that they cannot be classified with the other public lands—the whole of the surveys having been reported as fraudulent in 1837, and a resurvey of the lands and the refunding of the money ordered for those which had been sold by the act of 29th August, 1842.

On the accompanying diagram, the lands that will remain the property of the government after the swamp and overflowed lands have been certified to the State are colored yellow, except those in the Greensburg district. The general character of those lands, from an examination of the field-notes, appears to be poor—scarcely averaging second and third quality: the timber is chiefly pine. Some good lands—even first-rate—are reported on the water-courses, and approaching the "Salt Marsh," on which the timber is oak, hickory, beech, gum, cypress, &c.; but most, if not all these, have been sold, or are covered by private claims; and it is believed that the unsold lands may be characterized as pine lands, from second quality down to very poor.

The resolution of the Senate is returned.

Very respectfully, your obedient servant,

J. BUTTERFIELD,
Commissioner.

Hon. T. M. T. McKENNON,
Secretary of the Interior.

GENERAL LAND OFFICE,
June 25, 1850.

SIR: By letter of the 17th April last, you instructed me, for reasons therein given, to repair as soon as possible to Louisiana, and, after conference with the governor and surveyor general, to make such reconnaissance of the land along the principal streams as would enable me to understand the nature of the country, and to make such suggestions as will lead to an early and satisfactory settlement of the grant made to that State by the act of 3d March, 1849, to aid in reclaiming the swamp lands therein; and, as early and final action on this subject is represented to be of vital importance to the State, that I should use all diligence to effect the object of my mission, and limit my personal observation to such points, that, aided by reliable information, the object of that mission could be obtained.

In accordance with those instructions, I proceeded to Louisiana by the western route, noting the appearance of the country on both sides of the Mississippi river, and making inquiries in relation to the interior, so as to obtain all the information practicable on the subject.

A brief description of the peculiar topographical features of that section of the country seems to be necessary to a full understanding of its present condition.

On the east side of the Mississippi the lands in the interior appear to be generally high and rolling from the northern boundary of the State to Baton Rouge, where the hills give place to a low, alluvial formation. The river in its serpentine course occasionally approaches those high lands, and, again receding, all the margin of the stream between the points where it comes in contact with the table-land is low and wet. On the right bank of the river throughout the State, for some distance in the interior, it is mostly of that character, and, falling back from the margin of the stream, generally terminates in lakes or swamps.

The average fall from the natural surface of the ground, at the bank of the river, to a distance of forty arpens back from the margin of the stream, has been found by a series of observations, I was informed, to be from fourteen to sixteen feet, and where there is no swamp in the rear, to be twelve feet. Hence, when there is a rise in the river (which frequently happens) the water is precipitated with great force and velocity upon the rear lands. To protect those lands, and to prevent injury to the front, necessarily accruing from such overflows, levees or embankments are thrown up along the bank of the river, of greater or less base and elevation, according to the necessities of the case. Where creeks or bayous enter into the Mississippi their banks must also be leveed or their mouths closed, otherwise the high waters of the Mississippi flow into them and inundate the rear lands.

These levees, on the average, appear to be about five feet high, thirty feet wide at the base, and seven and a half feet wide at top; hence, the constructing and keeping of them in repair are very expensive. Moreover, the current of the river being very rapid and the banks alluvial, those banks are subject to great and rapid abrasions; and, as a matter of prudence and safety, therefore, the levees are, and must be, constructed some distance back from the margin of the stream. Between the levees and the enclosures of the planters space is always left for a public road, that being the highest and driest ground, and therefore best adapted for that purpose, the rear lands being so wet that they are frequently impassable. The proprietors of the lands fronting on the rivers, creeks, bayous, &c., are thus deprived of the use of a considerable portion of their very best lands by the necessity for making these levees and the peculiar topographical features of the country.

From the foregoing description it is evident that all the lands fronting on rivers, creeks, bayous, and water-courses subject to overflow must be protected by safe, strong, and sufficient levees, and that the omission to secure a single tract will bring ruin and desolation on all the adjacent country; and, therefore, all of such lands remaining the property of the government must of necessity be leveed at the expense and cost of the citizens of Louisiana. All the rear lands that are of any value have been reclaimed by the construction and perpetuation of those levees; and thus, so far as any of those lands have been sold by the government, (and it is believed that hundreds of thousands of acres of such lands have been sold,) the government has been so far benefited at the expense of the people of Louisiana, for none of those lands would have been disposed of had they not thus been reclaimed.

It is impossible by any written description to convey an adequate idea of the present condition of a great part of Louisiana; to be realized it must be witnessed. For hundreds of miles I found the whole bank of

the stream under water; and in other places the river, having broken through the embankments or levees, was rushing over the country with the force of a torrent, carrying ruin and destruction in its course. Where the levees were sufficiently high and strong to resist the pressure of the water, the rear lands were inundated by the river flowing through the crevasses or creeks, &c., until the whole, except a few hundred feet of the front land next the levees, was overflowed. A great number of plantations and settlements were entirely submerged, and the only mode of access or egress left to the inhabitants was by boats, or platforms erected where practicable, on frames, above the surrounding waters. This state of things was not limited to the country; some of the villages or towns along the river were in a like condition, the streets being wholly under water. The inhabitants were thus deprived of every opportunity of engaging in any industrial pursuit, and, consequently, of the means of earning subsistence, as the land could not be cultivated; and in many cases there was not sufficient dry ground on which to cut wood for fuel for the steamboats that navigate the river. The cattle had taken refuge on the most elevated spots, and were seeking a scanty subsistence from the leaves of bushes or the tops of the young cane, and frequently, getting into deep water, were carried away by the force of the current and drowned.

The scene for many miles thus presented was harrowing in the extreme, and appeals to every principle of humanity for all the succor and relief that can be extended in the premises. Neither was it temporary in its character, for I was assured by many that it was nearly as bad last year and the year before, and that there had been but little, if any, abatement of the evil since the early part of last January.

It is estimated that property to the amount of millions of dollars has been destroyed; and, although the city of New Orleans and a considerable portion of the southern section of the State have been preserved by the drainage of the surplus water through the crevasses and over the country above, those portions of the State can have no guarantee of an immunity from a like infliction till a radical remedy be applied.

By an examination of the able report on the internal improvements of Louisiana, made by A. D. Wooldridge, esq., State engineer, in January last, a copy of which is respectfully submitted herewith, from my own observation, and from information derived from many intelligent gentlemen living in, or who had recently visited various sections of the State, the impression was made on my mind that all the lands belonging to the government, and most of those the property of individuals, within the following limits, had been submerged during the whole of the present, and a great part of the past year, and that preceding; that is to say, between the Mississippi and Ouachita rivers, extending to the high lands on the west side of the Ouachita; those within some miles on each side of the Upper Red river; those along the Lower Red river; the lands in the southeastern district, and those along the Gulf coast, as shown by the accompanying diagram of the State. The northern boundary of those last mentioned to be determined by actual observation. The lands between East and West Pearl rivers were also designated as of like character. Subsequently, in an interview with the surveyor general and several of the deputies, I was satisfied that this impression was correct.

On conference with his Excellency Joseph Walker, governor of the

State, and R. W. Boyd, esq., the United States surveyor general, and in view of the facts above mentioned, the following seemed to be principles fully embraced by the act of 3d March, 1849, granting the swamp and overflowed lands to the State of Louisiana, and the instructions issued under that law by you, with the concurrence of the Secretary of the Interior, on the 18th April, 1850; they were therefore so considered, to wit:

The agent who may be appointed by the governor to make the selections for the State, if acceptable to the surveyor general, will be appointed by him as a deputy surveyor, and installed as such.

The lands which he may report as falling to the State under examinations already made, or hereafter to be made, will be so regarded.

The examination of the field-notes of the St. Helena or Greensburg district will be conclusive of the lands now resurveyed in that district; and the lands hereafter to be resurveyed will be examined with reference to the grant to the State, and all falling to the State will be so certified, as the surveys are returned examined and approved, except the lands between East and West Pearl rivers; all which, from satisfactory evidence, are regarded as falling to the State under the law.

The lands south of Lake Ponchartrain, &c., can be certified, at once, to the State.

The lands in the southeastern district, between the Ouachita and Mississippi rivers, those along Lower Red river, and those along the Gulf coast, can also generally be certified to the State.

An examination of the field-notes of the surveys on and adjacent to the Sabine and the Upper Red river, and between the Upper Red river and the Ouachita, with the memoranda of the deputies, will be conclusive as to those regions.

The lands already examined by the engineer, assistant engineer, or other officer of the State, in the discharge of their regular duties, and also those which may hereafter be examined in like manner, in connexion with the examination of the field-notes in the office, can at once be certified.

These principles were entirely satisfactory to the governor, and were approved by him; and the opinion entertained was, that the whole grant, so far as the lands were concerned which had been surveyed, could be disposed of in a short time, and at comparatively small expense to the State; and, with reference to those yet to be surveyed, that they would be certified to the State, as the surveys are completed, at a mere nominal cost.

It is but an act of justice to state that, in arranging this matter, I was much indebted to the thorough and accurate knowledge of Mr. Boyd, the surveyor general, in all matters connected with the topography of the country; and that he evinced the most lively interest in carrying out the instructions of this office with a just and proper regard to the intention of the law, the interests of the government, and justice to the State of Louisiana. Though somewhat out of place, I may also be permitted to state that his office was in the most perfect order; the gentlemen employed therein were actively, diligently, and efficiently engaged in their respective vocations; and the voluminous archives of the office were arranged with such system that any paper could be referred to in a moment. The thorough knowledge of the surveyor general of all the complicated duties of his office, enables him to despatch business with a promptness

and energy which otherwise would have been impossible; and, moreover, he seemed to be perfectly acquainted with the history of the origin and various stages of most of the private claims in the State, and the laws and instructions relating thereto. In fine, he is an invaluable officer.

Having thus briefly described the peculiar character of the country, and the action had in relation to the grant made by the act of the 3d of March, 1849, to aid the State of Louisiana in draining the swamp lands therein, I beg leave to present a few suggestions as to the evil under which that State now suffers, the remedy for that evil, and the benefits which will flow from the adoption of that remedy.

By tracing the dividing ridges between the sources of the waters that flow into the Mississippi and its tributaries, and those which flow north into the lakes, east to the ocean, south to the gulf of Mexico, extending west to the Rocky mountains, it will be found that the boundaries thus described extend from the twenty-ninth to the forty-ninth degree of north latitude, and average from the tenth to the twenty-seventh degree of longitude west from Washington, embracing an area of about one million two hundred and sixty-nine thousand square miles.

This region has been settled with unexampled rapidity; and as improvements keep pace with the settlements, it is reasonable to suppose that the whole country is now more rapidly and thoroughly drained into the Mississippi than when in a state of nature. Then no doubt a great quantity of water was collected in pools and swamps, and there remained until carried off by gradual evaporation. This, of course, so far relieved the bed of the stream; but as the lands are opened up by cultivation, this water is discharged at once into the river, thus adding to its volume.

This it is believed is one of the causes of the great increase in the waters of the Mississippi for the few past years; but whether it is the principal cause or not I cannot say, as I have not the data to enable me to come to a satisfactory conclusion in the matter.

All the water collected in the immense region above mentioned, except that carried off by evaporation, has no outlet but the Mississippi, and the regions in the south inundated by it. The facts presented to the eye are sufficient to show that the river with a bed averaging not more than a mile in width through the lower part of the State, and towards its outlet, is not sufficient to carry off the surplus water thus accumulated. No labored calculation of the amount of water collected, and of the capacity of the river, is required to prove this truth—it is established in heart-rending evidences of the sufferings of our fellow-citizens in that region. The questions, then, arise, in what way and by what means shall the evil be abated? The old system of leveeing has been found, by many years of patient trial, to be insufficient, and in adopting a new plan, permanent security should be the great desideratum.

In considering this subject, it must be remembered that the State of Louisiana is not the only sufferer from this undue accumulation of water in the Mississippi. Portions of Arkansas, Missouri, and Mississippi are in like condition, and any means adopted with reference to Louisiana alone must, to a considerable extent, prove abortive, so long as the overflow from the Mississippi finds its way through the States above to the low lands of that State.

The first suggestion in relation to this matter is to make such improvements in the bed of the river as will enable it to discharge the greatest

amount of water in the least time. This can be done, after a careful survey of the stream, by straightening its channel, commencing at the Gulf of Mexico, and working upwards as far as necessary. This would abridge considerably the length of the stream, increase its velocity somewhat, cause it to deepen its channel, keep it clearer of obstructions than it now is, and have a tendency to prevent the abrasions of its banks. Those abrasions are now chiefly found in the bends, where the waters rushing with great force against the alluvial shores continually wash them away, and increase the evil from year to year.

The plan heretofore adopted to some extent, of straightening the channel of the river at certain points high up the stream, has become deservedly unpopular, for the reason that this partial effort only removes the evil from one point to throw it with aggravated force and effect upon another. But I am convinced that a system of this kind, adopted and followed out as suggested, would tend very much to the accomplishment of the desired object, and that, too, without so materially increasing the current of the river as to interfere injuriously with its navigation.

The next suggestion is, by the construction of levees at some distance inland from the margin of the river, of such breadth of base and top that they can be used for roads—the elevation to depend upon the necessities of the case. By using these levees as roads, they will be kept constantly hard and compact, and any injury to them will at once be noticed and repaired.

The present levees to a great extent are found to be insufficient, and hence, in constructing new ones the best plan should be adopted, and that plan should be uniform.

The third suggestion, and that which would obviate the necessity of elevating those levees above a very moderate height, is, to open the natural outlets on the sides of the river which have been closed by artificial means, and which, before being so closed, acted as safety-valves to carry off the mass of water that now inundates the country, or by opening new outlets in the shape of canals at points where formations can be found of such character that the banks will not be subject to wash or abrasion.

These canals should be cut to the swamp, and, if necessary, their sides could be leveed, to prevent the water drained by them from spreading abroad over the country. Trenches or canals should also be cut through the lowest parts of the swamps between the streams, and these should be connected with each other, and with the bayous and sloughs that traverse the country. As many branches or outlets as may be necessary to carry off the surplus water of the river could thus be made into the gulf, and the overflow of the river be controlled and directed, so that large bodies of land, now swampy or overflowed even at dry seasons, would be reclaimed; and an invaluable system of internal communication by canals effected, sufficient to convey the produce of every plantation to market.

It is true that these improvements will be expensive. The amount of the cost I have not attempted to calculate; nor can it be done with any degree of accuracy until the necessary surveys have been made. It has been supposed that it may amount to six or ten millions of dollars. Admitting that it will cost the greater sum, or even double that amount, the expense would be of no consideration in comparison to the benefits that would flow from it.

The destruction of property and crops this season by the overflow has been estimated to amount to five or seven millions of dollars, a recurrence of which can hereafter be prevented by these improvements. Moreover, about three or four millions of acres of land will be reclaimed, which otherwise would continue to be valueless. These lands are as fruitful as any in the world, and by proper cultivation would yield abundant crops of sugar and cotton—the great staples of the South. This increase of these articles, according to the laws of trade, would reduce the price of them; and thus all the citizens of the United States would be so far benefited.

The expense of making these improvements, as already stated, will be very heavy; much more in fact than can be realized from the munificent grant made by Congress to aid in this object, however liberally that grant may be construed. The balance must be raised by taxing the inhabitants who have already contributed millions for this purpose, and whose means have been seriously impaired by the disasters of the past and present years; unless Congress, regarding the matter in its true light as one of national importance, should further extend the grant for this purpose so as to include all the public lands in the State, which, in view of all the circumstances of the case, I respectfully recommend.

The whole question, it seems to me, has resolved itself into the alternative, that relief must be speedily extended, or the low lands of Louisiana abandoned. The latter alternative would be ruinous to thousands who have spent fortunes in purchasing and improving those lands; and, by reducing the amount of the annual crop of sugar and cotton in our country, would increase the price of those articles, compel us to depend for the deficiency thus caused on foreign countries, and prove seriously inconvenient to a great number of our citizens.

The State of Louisiana has within itself the means of exhaustless wealth. With a soil of unbounded and inexhaustible fertility, it has one of the most delightful and salubrious climates in the world, despite the consequences of these overflows, which would have converted most other countries into vast burial places.

The fervid heat of the summer enables its citizens to enjoy all the luxuries and delights of the tropics; and yet that heat is so moderated by the prevalence of cool and refreshing breezes, that a delightful residence can be found in almost any part of the State. With the improvements now required, Louisiana will soon become one of the first States of the Union in wealth, population, and importance, as she has within herself all the elements necessary to this end.

All of which is most respectfully submitted, by

Your obedient servant,

JNO. WILSON,
Principal Clerk Surveys.

Hon. J. BUTTERFIELD,
Commissioner of the General Land Office.

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

RELATIVE TO

The commerce of the port of Brazos de St. Iago.

AUGUST 26, 1850.

Ordered to be printed.

To the Senate of the United States:

I have the honor to transmit, herewith, a report submitted by the Secretary of the Treasury, to whom was referred the resolution of the Senate of the 31st of July last, requesting to be furnished with certain information in relation to the commerce, &c., of the district of Brazos St. Iago, in Texas.

MILLARD FILLMORE.

WASHINGTON, August 24, 1850.

TREASURY DEPARTMENT,
August 23, 1850.

SIR: In obedience to the reference made by you of a resolution of the Senate of the United States, dated the 31st ultimo, as follows:

“Resolved, That the President be requested to furnish the Senate with the following information, to wit:

“List of vessels, and the tonnage of the same, entered at the district of Brazos St. Iago, since its establishment by act of Congress:

“Value of imports, American manufactures and productions; foreign goods, duties paid, and goods bonded; specifying the quarterly statements of each of said items:

“The quantity of freight shipped (and value thereof) to the Brazos St. Iago and the mouth of the Rio Grande, each respectively, for the public service, since the termination of the war with Mexico; how transported or conveyed from thence to the several military posts on the Rio Grande and near it, and the cost of such transportation or conveyance to the government to the several posts referred to:

“List and tonnage of the steamboats registered and navigating the Rio Grande.”

I have the honor to submit the following communications and statements, as embracing all the information which this department can furnish or has been able to procure in relation to the several matters contained in the said resolution:

First. A letter from the Register of the Treasury, enclosing statements numbered one to nine, inclusive, and prepared from the latest returns received at his office, comprehending the information asked for in the first branch of the resolution, together with a statement of the tonnage of the steamboats registered and navigating the Rio Grande.

Secondly. A communication addressed to this department by the Secretary of War, transmitting a report from the Quartermaster General, accompanied by statements marked A, B, and C, which are believed to contain all the information in the power of the War Department to afford in reference to the remaining portion of the resolution.

Thirdly. A letter from the Secretary of the Navy, stating that "no public stores of any kind have been shipped to the points indicated by direction of the Navy Department."

I have the honor to be, most respectfully, your obedient servant,

THO. CORWIN,

Secretary of the Treasury.

To the PRESIDENT.

TREASURY DEPARTMENT,

Register's Office, August 20, 1850.

SIR: I have the honor, in compliance with the reference to this office of the resolution of the Senate of the 31st ultimo, to transmit the following statements, prepared from the last returns received from the collector at Brazos de St. Iago, viz:

No. 1. An abstract of vessels in the coasting trade, entered in second quarter of 1849.

No. 2. An abstract of vessels in the coasting trade, entered in third quarter of 1849.

No. 3. An abstract of vessels in the coasting trade, cleared in second quarter of 1849.

No. 4. An abstract of vessels in the coasting trade, cleared in third quarter of 1849.

No. 5. A list of the registered and enrolled steam vessels belonging to the district of Brazos de St. Iago on the 1st of January, 1850.

No. 6. A statement of the imports into the said district, of duties received, and of merchandise under bond, warehoused for re-exportation and consumption, in the third and fourth quarters of 1849, and first quarter of 1850.

No. 7. A statement of the tonnage employed in the foreign and coasting trade during the second and third quarters of 1849.

No. 8. A statement of the vessels which entered from foreign countries during the second and third quarters of 1849; and,

No. 9. A statement of the vessels which cleared for foreign countries during the same period.

I have the honor to be, sir, your obedient servant,

TOWNSEND HAINES, *Register.*

Hon. THOMAS CORWIN,

Secretary of the Treasury.

The collectors are not required by law to make returns of domestic goods, either imported or exported coastwise.

Abstract of registered and of enrolled and licensed vessels employed in the coasting trade, which entered the district of Brazos de St. Iago during the quarter ending June 30, 1849.

Date of entry.	Denomination and name of vessel.	Where from.	Tonnage employed in the coasting trade.		Crew.	
			Registered.	Licensed.	Men.	Boys.
			Tons & 95ths.	Tons & 95ths.	No.	No.
1849.						
May 22	Schooner Eveline Ross	New Orleans.....	93 71	.....	6	.....
30	Steamer Globe	do.....	.....	481 5	16	.....
June 7	Schooner Excelsior	Mobile.....	84 00	.....	5	.....
7	Schooner Heroine	New Orleans.....	124 32	.....	5	.....
7	Schooner Visiter.....	do.....	76 5	.....	6	.....
9	Schooner Colonel Fanning.....	New York	138 60	.....	7	.....
14	Steamer Yatch	New Orleans.....	.....	249 64	12	.....
14	Schooner Mary Filkins.....	do.....	88 7	.....	5	.....
14	Schooner George Lincoln.....	do.....	73 32	.....	6	.....
18	Steamer Globe	do.....	.....	481 5	16	.....
20	Schooner Whig.....	Mobile.....	89 78	.....	6	.....
20	Schooner Jane Elizabeth.....	New Orleans.....	84 44	.....	6	.....
20	Schooner Louisiana.....	do.....	98 65	.....	6	.....
25	Steamer Yatch	do.....	.....	249 64	12	.....
27	Schooner Pompero.....	Mobile.....	.....	87 00	5	.....
28	Schooner Lone Star.....	New Orleans.....	48 48	.....	5	.....
			999 63	1,546 43	124	.....

DETAINER OF BRAZOS DE ST. IAGO,
Port of Potos Ambel, Collector's Office, August 16, 1849.

JOHN S. RHEA, Collector.

No. 2.

Abstract of registered and of enrolled and licensed vessels employed in the coasting trade and fisheries, which entered the district of Brazos de St. Iago during the quarter ending the 30th day of September, 1849.

Date of entry.	Denomination and name of vessel.	Where from.	Tonnage employed in the coasting trade and fisheries.		Crew.	
			Coasting trade.		Fisheries.	Men.
			Registered.	Licensed.		
			Tons and 95ths.	Tons and 95ths.	Licensed.	Number.
1849.						
July						
2	Schooner Cinderilla G. Scull.	New York.	.....	146 00	.....	7
9	Steamer Portland.	New Orleans.	.....	445 46	.....	18
9	Steamer Yatch.	do.	.....	249 64	.....	15
12	Schooner P. M. Sears.	do.	69 72	.....	.....	6
13	Schooner Visiter.	do.	.....	76 5	.....	5
16	Steamer Portland.	do.	.....	445 46	.....	18
26	Schooner Alida.	Mobile.	.....	92 00	.....	4
26	Schooner Southerner.	Pensacola.	.....	80 28	.....	5
26	Schooner Commercial.	Sabine river.	29 4	.....	.....	4
31	Steamer Portland.	New Orleans.	.....	445 46	.....	18
August						
1	Schooner Lone Star.	Galveston.	.....	48 48	.....	4
1	Schooner F. A. Baker.	New York.	74 32	.....	.....	5
13	Steamer Portland.	New Orleans.	.....	445 46	.....	18
13	Schooner Whig.	Pensacola.	.....	89 89	.....	6
14	Schooner Floridian.	Galveston.	.....	85 76	.....	4
22	Schooner Stephen Waterman.	New York.	59 69	.....	.....	5
25	Schooner Visiter.	New Orleans.	.....	76 5	.....	6
27	Schooner Victoria.	do.	.....	98 93	.....	6
27	Schooner Emma Norton.	Mobile.	.....	.....	.....	6
27	Steamer Globe.	New Orleans.	98 78	481 6	.....	18

No. 3.

Abstract of registered and of enrolled and licensed vessels employed in the coasting trade, which cleared from the district of Brazos St. Lago, during the quarter ending June 30, 1849.

Date of entry.	Denomination and name of vessel.	Destination.	Tonnage employed in the coasting trade.		Crew.	
			Registered.	Licensed.	Men.	Boys.
			Tons and 95ths.		Number.	
1849.						
June						
3	Steamer Globe.....	New Orleans.....	98	481 5	16	.....
3	Schooner Sovereign.....	Atakapas.....	.....	.....	6	.....
10	Steamer Yatch.....	New Orleans.....	.....	249 64	13	.....
14	Schooner Commercial.....	Galves'on.....	29 4	.....	4	.....
14	Schooner Evelyn Ross.....	New York.....	93 71	.....	6	.....
15	Schooner Heroine.....	New Orleans.....	124 32	.....	5	.....
16	Schooner Visiter.....	do.....	76 5	.....	6	.....
18	Schooner Colonel Fanning.....	Pensacola.....	138 60	.....	7	.....
18	Schooner Excelsior.....	Mobile.....	84	.....	5	.....
19	Schooner Mary Filkins.....	New Orleans.....	88 7	.....	5	.....
21	Steamer Globe.....	do.....	.....	481 5	16	.....
23	Schooner Louisiana.....	do.....	98 65	.....	6	.....
25	Schooner Whig.....	Pensacola.....	89 78	.....	6	.....
25	Schooner Jane Elizabeth.....	do.....	81 44	.....	6	.....
27	Schooner George Lincoln.....	New York, via Pensacola.....	73 32	.....	6	.....
28	Steamer Yatch.....	New Orleans.....	.....	249 64	13	.....
			1,078 18	1,461 43	124	.....

DISTRICT OF BRAZOS DE ST. LAGO, PORT OF POINT ISABEL, COLLECTOR'S OFFICE, August 16, 1849.

Abstract of registered and of enrolled and licensed vessels employed in the towing trade and fishery, which cleared from the district of Brazos de St. Iago during the quarter ending September 30, 1849.

Date of entry.	Denomination and name of vessel.	Destination.	Tonnage employed in the coasting trade and fisheries.			Crew.	
			Coasting trade.		Fisheries.	Men.	Boys.
			Registered.	Licensed.	Licensed.	No.	No.
			Tons & 95lbs.	Tons & 95lbs.	Tons & 95lbs.	No.	No.
1849.							
July							
5	Steamer Portland.....	New Orleans.....	.....	445 46	.....	18	.....
7	Schooner Lone Star.....	Galveston.....	.....	48 48	.....	4	.....
9	Schooner Pompano.....	Mobil.....	.....	87 00	.....	6	.....
12	Steamer Yatch.....	New Orleans.....	.....	249 64	.....	15	.....
14	Schooner P. M. Sears.....	do.....	69 72	.....	.....	6	.....
18	Steamer Portland.....	do.....	.....	445 46	.....	18	.....
18	Schooner Visitor.....	do.....	.....	76 5	.....	6	.....
2	Steamer Portland.....	do.....	.....	445 46	.....	18	.....
3	Schooner Alida.....	Mobile.....	.....	92 60	.....	4	.....
4	Cinderilla G. Skull.....	New York.....	.....	146 86	.....	7	.....
4	Schooner Southerner.....	New Orleans.....	.....	80 28	.....	5	.....
6	Schooner F. A. Baker.....	New York.....	74 32	.....	.....	5	.....
9	Schooner Lone Star.....	Galveston.....	.....	48 48	.....	4	.....
15	Steamer Portland.....	New Orleans.....	.....	445 46	.....	18	.....
21	Schooner Floridian.....	Galveston.....	.....	85 76	.....	4	.....
25	Schooner Whig.....	Pensacola.....	.....	79 00	.....	6	.....
30	Steamer Globe.....	New Orleans.....	.....	481 5	.....	18	.....
30	Schooner Stephen Waterman.....	New York.....	58 69	.....	.....	5	.....
30	Schooner Ann Sophia.....	Key West.....	.....	49 85	.....	6	.....

No. 4—Continued.

Date of entry.	Denomination and name of vessel.	Destination.	Tonnage employed in the coasting trade and fisheries.			Crew.		
			Coasting trade.		Fisheries.	Men.	Boys.	No.
			Registered.	Licensed.	Licensed.			
			Tons & 95ths.	Tons & 95ths.	Tons & 95ths.	No.	No.	No.
1849. 1	Schooner Victoria.....	New Orleans.....	.....	98 93	.....	6	.....	.....
Sept. 7	Schooner Emma Norton.....	Mobile.....	98 78	.....	.....	6	.....	.....
11	Schooner Princeton.....	New Orleans.....	71 58	.....	.....	4	.....	.....
13	Steamer Globe.....	do.....	.....	481 5	.....	18	.....	.....
20	Schooner Hornet.....	do.....	71 13	.....	.....	7	.....	.....
24	Schooner Adeline.....	do.....	85 26	.....	.....	6	.....	.....
26	Schooner J. G. McNeill.....	Galveston.....	.....	55 45	.....	6	.....	.....
28	Steamer Globe.....	New Orleans.....	.....	481 5	.....	18	.....	.....
			523 63	4,423 77	.....	243	.....	.....

No. 5.

List of steam-vessels belonging to the district of Brazos de St. Iago on the 1st of January, 1850.

Name.	Tons and 95ths.
Colonel Cross registered.....	186 44
Colonel Hunt.....do.....	214 88
Yazoo.....enrolled.....	34 5
Troy do.....	117 68
Tom Kirkman.....do.....	122 50
Total.....	675 63

NOTE.—The above is extracted from the last return made by the collector. He has been directed to transmit abstracts of the district tonnage for the 1st and 2d quarters of the current year.

TREASURY DEPARTMENT,
Register's Office, August 20, 1850.

No. 6.

A statement exhibiting the value of imports into the district of Brazil & St. Iago, the amount of duties received, the value of merchandise under bond, warehoused for re-exportation and consumption.

Value of imports paying duty.....	3d quarter 1849.....	\$7,183	
Do.....do.....do.....	4th quarter 1849.....	9,438	
Do.....do.....do.....	1st quarter 1850.....	8,374	
			\$24,995
Duties received.....	3d quarter 1849.....	1,553	
Do.....do.....do.....	4th quarter 1849.....	1,647	
Do.....do.....do.....	1st quarter 1850.....	697	
			3,897
Merchandise under bond warehoused	2d quarter 1849.....	120,429	
Do.....do.....do.....	3d quarter 1849.....	137,772	
Do.....do.....do.....	4th quarter 1849.....	161,772	
Do.....do.....do.....	1st quarter 1850.....	175,550	
			\$395,523

Tonnage employed in the foreign and coasting trade during the 2d and 3d quarters of 1849.

Trade.	Character of the vessels.	Entered and cleared.	Period.	Tonnage.	
				No. of ves- sels.	Tons.
In foreign trade	Foreign vessels	Entered	2d quarter of 1849	2	33
	do.....	Cleared	do.....	2	33
	American vessels	Entered	3d quarter of 1849	2	401
	do.....	Cleared	do.....	2	401
	Foreign vessels	Entered	do.....	4	283
	do.....	Cleared	do.....	4	283
In coasting trade	Enrolled, &c.	Entered	2d quarter of 1849	16	2,548
		Cleared	do.....	16	2,539
		Entered	3d quarter of 1849	35	5,851
		Cleared	do.....	27	4,953

List of vessels which entered the district of Brazos de St. Iago from foreign countries during the 2d and 3d quarters of 1849.

Date of entry.	Denomination and name of vessel.	Flag.	Master's name.	Whence arrived.	Tons & 95ths.
1849.	Schooner Ocean.....	Mexican	Antigua	Matamoras.....	16 84
	Do.....	do.....	do.....	do.....	16 84
July 9	Brig Cuba	British.....	Gibson.....	Liverpool.....	33 73
	Schooner Ocean	Mexican	Antigua	Matamoras.....	147 00
24	Schooner Constanta	do.....	Cuscano	Campeachy.....	16 84
Aug. 15	Schooner Fernando	do.....	Sanchez.....	Matamoras.....	48 00
					77 46
Aug. 15	Steamer Colonel Cross	American.....	Penny	Matamoras.....	283 35
	Steamer Colonel Hunt.....	do.....	Brown.....	do.....	186 44
Sept. 26					214 86
					401 35

List of vessels which cleared from the district of Brazos de St. Iago for foreign countries during the 2d and 3d quarters of 1849.

Date of clearance.	Denomination and name of vessel.	Flag.	Master's name.	Destination.	Tons & 95ths.
1849.					
June 30	Schooner Ocean..... Do.....	Mexican..... do.....	Antigua..... do.....	Matamoros..... do.....	16 84 16 84
July 12	Brig Cuba.....	British.....	Gibson.....	Laguna.....	33 73
19	Schooner Ocean.....	Mexican.....	Antigua.....	Sisal.....	147 00
25	Schooner Constanto.....	do.....	Cuscano.....	Campeachy.....	16 84
Aug. 22	Schooner Fernando.....	do.....	Sanchez.....	do.....	42 00
					77 46
Aug. 11	Steamer Colonel Cross.....	American.....	Penny.....	Matamoros.....	283 35
Sept. 23	Steamer Colonel Hunt.....	do.....	Brown.....	do.....	186 44
					214 86
					401 35

Note.—The tonnage returns for the 4th quarter of 1849 and 1st and 2d quarters of 1850 are daily expected.

WAR DEPARTMENT,

Washington, August 23, 1850.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, repeating your request of the 2d for such information as this department can furnish in relation to the quantity and value of freight shipped to the Brazos San Iago and mouth of the Rio Grande, for the public service, since the termination of the war with Mexico, with other particulars specified in the resolution of the Senate of the 31st ultimo.

The report herewith enclosed from the Quartermaster General contains the information desired, except as to the supplies for the medical department. The returns of these not being at hand, and as the quantity is known to have been small, it is deemed unnecessary to delay this report further for an item of so little importance.

Very respectfully, your obedient servant,

C. M. CONRAD,
Secretary of War.

Hon. THO. CORWIN,
Secretary of the Treasury.

QUARTERMASTER GENERAL'S OFFICE,

Washington City, August 22, 1850.

SIR: In reply to so much of the resolution of the Senate of the 31st ult. (referred to this office on the 2d instant) as relates to the quartermaster's department, requiring information as to "the quantity of freight shipped (and the value thereof) to Brazos San Iago and the mouth of the Rio Grande, each respectively, for the public service, since the termination of the war with Mexico, how transported or conveyed from thence to the military posts on the Rio Grande and near it, and the cost of such transportation or conveyance to the military posts referred to," I have the honor to state that the supplies for the posts on and near the Rio Grande are shipped to Brazos San Iago as the only safe harbor, and not to the mouth of the river; that the data within my control are too imperfect to enable me to state with perfect accuracy either the entire quantity of stores sent to the Brazos or their value; but the accompanying papers A, B, and C, which I submit as part of this report, are as close an approximation to the truth as is now possible, and sufficiently so, perhaps, for all practical purposes.

A exhibits the quartermasters' stores, camp equipage, and clothing, shipped to that port, amounting to	\$294,230 96
B is a list of subsistence stores, amounting, as stated by the Commissary General, to	88,985 39
C exhibits the ordnance stores, stated by the chief of the ordnance corps to amount to	11 00
Amounting altogether to	<u>383,227 28</u>

There was a small quantity of medical supplies sent to the Brazos, but the Surgeon General can give neither the quantity nor the cost until he obtains a report from New Orleans, which I understand he expects to receive in a few days.

As to the transportation or conveyance of the stores from Brazos San Iago to the posts on or near the Rio Grande, and the cost of such transportation or conveyance, I have to state that the transportation is accomplished principally by public means, either boats or wagons, and I have no means at hand of estimating the cost. But from two vouchers in the accounts of Major Chapman, I find that he paid for transporting pork from Brazos to Fort Brown, one dollar to one dollar and twelve and a half cents per barrel; for flour, bread, rice, beans, coffee, and sugar, seventy-five cents per barrel, and for vinegar seventy-five to ninety-three cents; for candles fifteen to twenty-three cents per box, and for soap twenty-five to thirty-seven and a half cents per box; and the Major reports the cost of transportation from Brazos to Rio Grande city at an average of one dollar per barrel, and thence to Laredo at seventy-five cents per barrel.

I return the resolution and the letters of the Hon. Secretary of the Treasury, and I have the honor to be, most respectfully, sir, your obedient servant,

TH. S. JESUP,
Quartermaster General.

Hon. CHARLES M. CONRAD,
Secretary of War, Washington City.

A.

Report of quartermasters' stores and clothing and camp and garrison equipage received at Brazos Santiago, Texas, commencing with the termination of the war, May 30, 1848, and ending June 30, 1850, and the value of the same.

Date.	Quartermasters' stores.	Value.
1848.		
June 1	4,810 feet dressed yellow pine, 24 pieces oak plank, 2 oak logs, 42 pieces oak plank, 30 bales of hay, 252 sacks corn, 820 sacks oats	\$1,056 72
2	4 tarpaulins	160 00
3	2 pine logs, 70 bales hay, 300 sacks corn, 620 sacks oats	854 50
4	100 bales hay, 4 tarpaulins, 2 casks of blind bridles	478 00
5	1,000 sacks oats	700 00
6	500 barrels coal, 1,600 sacks oats, 900 sacks corn, 79 bales hay, 3 tarpaulins	2,294 00
7	30 pieces oak plank, 100 bales hay, 1,000 bags oats, 2 boxes	1,131 00
10	300 sacks corn, 2 boxes neck straps, 1 box tacks, 35 bundles sheathing paper, 8 kegs sheathing nails, 10 coils spun yarn, 1 box stationery, 2 boxes locks and tacks, 2 boxes and 1 cask files, 1 box needles, 1 cask lanterns, 25 kegs cut nails, 24 bags wrought nails, 10 kegs spikes, 15 boxes glass, 20 kegs black paint, 159 kegs white lead, 3 barrels spirits turpentine, 8 barrels sperm oil, 5 barrels paint oil, 5,000 fire bricks, 15 barrels lime, 293 fire tiles, 60 boat oars, 1 box sheepskins, 1 box horse medicines	2,859 00
12	2 tarpaulins	70 00
15	750 barrels Pittsburg coal, 111 bales hay, 8 pieces oak plank	648 50
16	102 bales hay, 2,400 sacks oats, 4 yellow pine logs, 1,048 sacks corn, 1,000 sacks oats, 21 boxes wagon covers, 70 kegs white lead, 1 box steel squares, 1 box beeswax	9,951 30
17	70 bales hay, 200 sacks corn, 1,540 sack oats, 4 yellow pine logs	1,444 00
19	64 bales hay, 506 sacks corn, 720 sacks oats	1,040 00
20	992 sacks oats, 3 tarpaulins, 60 bales hay, 500 barrels Pittsburg coal, 15 pieces oak plank	1,214 00
21	2 surf boats, 1 anchor, 2 painters, 22 oars, 3 boat hooks	1,036 00
22	1,200 sacks oats, 50 bales hay, 2 tarpaulins, 343 wagon tongues, 147 coupling poles, 1 small box	1,893 50
24	50 bales hay, 432 sacks corn, 600 sacks oats, 50 water casks, 50 pieces oak plank	1,038 75
28	500 barrels coal, 2 travelling forges, 1 portable forge, 29 tarpaulins, 123 sheets iron, 12 bundles iron, 147 bars iron, 1 barrel copersas, 4,726 feet oak plank, 100 pieces axletree stuff, 420 pieces timber for spikes, 33 bundles horse and mule collars	3,311 00
30	700 barrels Pittsburg coal, 840 sacks oats, 800 stirrup irons	1,425 00
July 2	10 water casks, 787 feet yellow pine plank, 252 feet scantling, 2 surf boats, 2 painters, 25 oars, 3 boat hooks, 1 anchor	1,072 74
3	500 sacks oats, 500 sacks corn, 60 bales hay, 50,000 feet inch pine boards, 6 pieces pine timber, 10,000 feet 3-inch pine boards	1,849 50
5	2,300 sacks oats, 54 bales hay	1,702 00
7	2 grindstones, 1 mess chest, 3 boxes, 700 barrels Pittsburg coal, 50,000 feet inch pine boards, 15,000 feet 3-inch pine boards	1,347 50
14	30 barrels charcoal, 11 water casks, 2,030 sacks oats, 20 coils rope, 3 boxes axes, 1 box axe handles	1,741 00
15	850 barrels Pittsburg coal	348 50
17	1 ream folio post paper, 1,000 sacks oats, 500 sacks corn, 150 bales hay, 25 tarpaulins	2,439 00
18	1,520 sacks oats, 27 pieces oak plank, 50 bales hay, 1,200 sacks oats, 28 pieces 2 1/2-inch oak plank	2,109 00

A—Continued.

Date.	Quartermasters' stores.	Value.
1848.		
July 20	580 sacks corn, 1,160 sacks oats, 62 pieces 2½-inch oak plank, 700 sacks oats, 395 sacks corn, 8 cans turpentine, 10 casks charcoal, 16 kegs wrought spikes, 1 keg Japan varnish, 1 tin can of Japan varnish, 1 barrel yellow ochre, 40 kegs white lead, 50 barrels lime, 5 kegs saltpetre, 81 pieces 2½-inch oak plank, 30 barrels lime.....	\$2,466 26
21	50 bales hay, 1,160 sacks oats, 2 tarpaulins.....	1,042 00
22	1,200 barrels Pittsburg coal, 25 pieces 2½-inch oak plank.....	517 00
24	500 sacks oats, 675 barrels Pittsburg coal.....	628 75
26	40 tarpaulins, 60 bales hay.....	1,780 00
27	2 tarpaulins.....	70 00
30	122 pieces 2½-inch oak plank.....	122 00
August 1	40 bales hay.....	120 00
5	45,719 feet inch boards.....	457 19
7	5,009 feet pine scantling, 10,886 feet oak plank.....	518 08
8	35 bales hay, 1,639 sacks oats.....	1,252 30
10	25 tarpaulins, 26 single grate bars, 30 double grate bars.....	1,344 00
13	36,125 feet inch boards, 8,875 feet weatherboarding.....	675 00
13	300 barrels lime, 45 bales hay.....	483 00
14	26 pieces 3-inch oak plank.....	26 00
16	33 pieces oak plank, 161 bales hay, 104 grate bars.....	932 00
17	38,178 feet pine boards.....	572 62
20	20,779 feet pine boards, 3,875 feet inch boards, 8,870 feet clear flooring, 6,555 feet 2-inch plank, 20,000 shingles.....	891 58
21	1,967 sacks oats.....	1,376 90
23	42,419 feet boards.....	848 38
31	73 tarpaulins, 10 reels packing yarn, 50 bales hay.....	2,775 00
Sept. 4	600 barrels Pittsburg coal, 9 front running gear, 25 wagon bodies.....	1,180 00
5	60 bales hay.....	144 00
8	655 barrels Pittsburg coal.....	360 25
13	675.....do.....	371 25
15	755.....do.....	415 25
17	60 bales hay, 1 box stationery.....	294 00
18	600 barrels Pittsburg coal.....	330 00
28	1,250.....do.....	687 50
30	62,732 feet scantling, 9,331 feet boards, 12,000 feet 12 by 12 timber, 2,718 feet flooring.....	1,443 94
Oct. 1	66 grate bars, 50 bales hay.....	414 00
4	700 barrels Pittsburg coal.....	385 00
5	587 pieces yellow pine scantling, 75 pieces boards, (assorted,) 259 planks, (assorted,) 20 bundles shingles, 2 bundles steel, 1 set pipe boxes, 1 barrel sweet oil, 45 boxes window glass, 1 box measures, 45 shovels, 1 can varnish, 2 boxes harness, 1 box horse medicines, 1 half-barrel castor oil, 5 blocks, 1 coil rope..	820 40
6	1,302 barrels Pittsburg coal.....	716 10
20	858.....do.....	471 90
21	961.....do.....	528 55
23	80 bales hay, 25 coupling poles.....	265 00
24	858 barrels Pittsburg coal.....	750 75
25	1,230.....do.....	1,076 25
26	33,521 feet lumber.....	670 42
31	3,981 barrels Pittsburg coal.....	3,483 37
Nov. 1	4,500 pounds Manilla rope, 2 large screws, 4 treble blocks.....	607 00
4	7,140 forage bags, 16 barrels pitch, 8,838 pounds iron, 3 jib sails, 1 fore sail, 5 fore and aft sails, 200 pickaxes, 200 pickaxe handles, 22 pairs blacksmiths' bellows, 16 sets saddler's tools, 38 cross-cut saws, 280 wagon saddles, 26 horse phlomes, 91 grate bars, 2,488 pounds old copper, 3,088 pounds bolt and rod copper.....	8,268 14

A—Continued.

Date.	Quartermasters' stores.	Value.
1848.		
Nov.	7 1,448 feet plank, 30,000 shingles, 5 travelling forges, 49 blacksmiths' vices, 5 blacksmiths' bellows, 1 anvil, 43 bolts cotton duck canvass, 8,000 bricks, 939 feet white oak plank.....	42, 733 48
	10 921 barrels Pittsburg coal, 508 feet white oak plank.....	826 19
	11 803 feet white oak plank.....	32 13
	16 110 bales hay, 1,163 fire tiles.....	364 89
	18 774 barrels Pittsburg coal.....	677 25
	20 635.....do.....	555 62
	20 10 stoves with ovens, 30 elbows, 400 feet stove pipe, 9 pounds wire, 30 bales hay.....	346 35
	23 60½ gallons varnish, 34½ gallons copal varnish, 20 gallons black varnish.....	362 25
	27 604 yokes and 6 pairs ox bows.....	3, 023 00
	28 1,167 barrels Pittsburg coal.....	1, 021 12
	29 1,000.....do.....	875 00
Dec.	2 500.....do.....	437 50
	4 1,106.....do.....	967 75
	5 23 barrels lime, 710 pounds sheet lead.....	99 75
	10 2,060 pounds Manila rope, 1,211 pounds cotton packing rope, 3,382 pounds tarred rope, 10 pairs blacksmiths' bellows, 5 water casks, 269 pounds yellow ochre, 14 barrels lime, 20 globe lanterns, 324 pounds green paint, 1 hawser, 1 yawl boat, sails, &c., 2 boat oars, 2 cisterns, 1 lot tar buckets.....	1, 338 07
	12 1,672 barrels Pittsburg coal.....	2, 090 00
	12 40 bales hay.....	120 00
	14 100 cords wood.....	500 00
	18 887 barrels Pittsburg coal.....	1, 108 75
	19 661.....do.....	826 25
	20 958.....do.....	1, 197 50
	21 1 cooking stove and utensils.....	25 00
	22 20 stoves, 19 boxes stove pipe, 13 boxes mule harness.....	1, 403 00
	23 873 barrels Pittsburg coal.....	1, 091 25
	29 12 cypress blocks.....	12 00
	30 8.....do.....	8 00
1849.		
Jan.	1 6 oak planks.....	3 00
	2 1,750 feet oak plank, 1,078 pounds spun yarn, 345 pounds marline, 1,885 pounds oakum, 44 bell-rope lines, 88 pounds lead lines, 31 lead lines, 534 pounds gasquet paper, 284 pounds cotton packing rope, 605 pounds Manila rope, 2 anchors, 649 pounds tarred rope, 1 anchor chain, 2 treble blocks, 3 single blocks, 13 shovels, 2 spades, 6 felling axes, (handed), 10 cypress blocks.....	858 20
	5 105,000 shingles, 2 boxes stove-pipe, 11 stoves, 12 stoves, 237½ feet stove-pipe, 10 pieces copper roof pipe, 12 sheets iron for stoves, 12 urns.....	862 75
	9 6 barrels linseed oil, 1 bundle lampwick, 200 bales hay, 43 boxes saddles, 5 coils rope.....	10, 975 50
	13 75 bales hay, 1 package stationery, 2 casks butts and screws, 4 bundles buck saws, 1 rake, 1 spade, 1 hoe.....	303 00
	15 1 barrel turpentine, 20 kegs white lead, 12 kegs black lead, 30 rim locks, 12 paint brushes, 12 large flat files, 17 rat-tail files, 75 3-square files, 1 keg potash, 48 sail needles, 24 pack needles, 1 jackscrew, 5 boxes window glass, 50 pounds red lead, 100 pounds yellow ochre.....	311 95
	18 1 cooking-range.....	50 00
	24 131 bales hay, 1 lot of iron.....	299 03
	29 112 bales hay, 190 bundles shingles.....	428 56
Feb.	14 1 lot of iron, 528 bushels oats, 200 pounds hoop iron, 300 pounds round iron, 300 pounds square iron.....	254 80
	23 1 lot iron, assorted, 300 sacks oats, 35 wagon tongues, 100 wagon spokes, 25 wagon felloes, 35 coupling poles, 10 wagon hubs, 2 bales hay.....	208 01

A—Continued.

Date.	Quartermasters' stores.	Value.
1849.		
March 7	50 bundles hay, 29,225 feet pine scantling, 2,534 feet pine plank, 39,575 feet pine boards.....	\$1,312 67
10	50 bundles hay, 30,789 feet scantling, assorted, 7,466 feet plank, 7,055 feet boards, 99 boxes dragoon equipments, 50 boxes window glass, 1 box Norfolk latches, 100 window sashes, 25 bundles hay.....	4,785 60
13	2 boxes bits and tacks, 15 kegs composition nails, 5 kegs composition spikes, 119 bars bolt copper, 14 bundles sheathing paper, 22 cases copper, 32 kegs wrought spikes, 15 barrels pitch, 3 reels packing yarn, 1 set truss hoops, 3 boxes axes, &c., 1 bundle adze handles, 50 bundles hay, 536 bags corn, 100 window sashes	5,049 18
16	50 bundles hay.....	100 00
16	2 tarpaulins, 10,000 feet cypress plank, 38,377 feet lumber, assorted	1,082 40
24	540 bags corn, 380 bags oats, 25,000 1½-inch flooring boards, 12,182 feet white pine boards, 1,171 40-144 cubic feet oak lumber, 20 oak knees	1,840 04
24	2 platform scales, 2 counter scales.....	115 00
April 1	500 bags oats, 2 kegs lath nails, 36 grate bars, 2 barrels hair.....	689 50
2	20,000 laths, 72,852 feet assorted lumber, 500 feet oak logs, 4,500 feet oak plank, 1 cistern, 19 bags = \$19,000.....	20,465 63
10	4 boxes carpenters' tools, 67 kegs white lead, &c., 3 boxes paints, 30 barrels and 1 tierce oil and turpentine, 2 half barrels varnish, 1 box terra de sienna, 50 bundles hay, 1,000 bags oats, 100 kegs nails, 26 office chairs.....	3,442 75
12	17,000 feet white pine lumber, 10,008 feet 2-inch pine plank, 25,000 feet 1½-inch flooring boards, 250 front spokes, 65 window frames, 872 98-144 feet (cubic) oak lumber.....	2,517 55
May 2	10 bundles hay, 4,097 feet white pine boards, 35 window frames, 212 bags corn, 75 panelled doors, 30,010 feet dressed flooring boards, 1 pile-driver complete, 50 grate bars, 1 cog-wheel, 25 bundles hay, 1,000 bags oats, 138 bags corn, 1 box harness, 2 boxes tools, &c., 1 box band instruments.....	4,345 38
June 6	5 paulins, 6,007 feet pine scantling, 800 bags oats, 1,131 bags corn, 75 bundles hay.....	2,376 24
8	5 paulins, 100 bundles hay, 1,000 bags corn, 1,400 bags oats, 4,100 feet pine scantling.....	3,093 70
14	469 bags oats, 361 bundles shingles, 865 bundles laths, 1,782 feet pine scantling, 50 barrels lime, 7 barrels hair.....	1,302 43
21	159,463 shingles, 26,319 feet assorted pine scantling.....	1,085 27
29	11,710 feet pine scantling.....	199 07
29	135 bundles laths, 90 bundles hay, 102 bundles shingles.....	514 50
July 19	35 palmetto logs.....	70 00
Aug. 17	4 duck paulins, 4,011 feet scantling, 20 reels packing yarn, 1 bundle saws, &c., 1 box sundries, 2 cooking stoves complete, 13 kegs spikes, 2 boxes spikes, 20 coils Manila rope, 4 elliptic springs, 80 bundles hay, 30 grate bars, 2 boxes blocks, &c., 901 bags corn, 758 bags oats, 2 boxes stationery	3,914 77
Sept. 1	\$10,000 in specie, 1 small package, 1 box quartermasters' stores, 1 barrel tallow, 3 wagon covers, 25 cords wood, 15 barrels plastering hair, 15 kegs nails, 25 kegs spikes, 100 boxes glass, 40 kegs wrought spikes, 6 cooking stoves, 2 coils picket rope, 3 bales halter rope, 1 bundle cotton rope, 1 box trowels, &c., 1 bundle lead pipe, 1 box stove-pipe, &c., 10 boxes saddles, &c., 1,500 bags oats, 300 bags corn, 35 bundles hay, 1 box blankets, 13 water casks, 2 cypress cisterns, 40 horses, 2 paulins.....	21,280 67
12	160 bundles shingles, 36,036 feet pine lumber, 31,888 feet 1½-inch dressed flooring boards, 44,000 laths.....	1,581 21
20	44 boxes horse equipments.....	7,920 00
23	34 stoves, 5 boxes pipe, 1 box files, 100 barrels lime, 30 barrels cement, 47 paulins, 7 boxes saddles, &c., 155 bundles shingles, 25 horses.....	7,625 25

A—Continued.

Date.	Quartermasters' stores.	Value.
1849.		
Sept. 27	1 box gibs and brasses, 1 bundle zinc.....	\$64 70
Oct. 3	700 bags oats, 5,000 feet white pine boards, 33,943 feet 1½-inch dressed flooring, 41,515 feet scantling, 27,000 laths, 56,332 feet weatherboarding, 24,000 laths.....	3,055 59
10	10,206 feet dressed flooring, 21,292 feet weatherboarding, 2,070 feet scantling.....	515 07
9	14,740 feet scantling, 15,000 laths, 32 coils rope, 1 box files, &c., 10 barrels oil, 10 kegs wrought spikes, 8 bundles round iron, 1 box of chain, 2 kedge anchors, 12 bundles cotton canvass, 200 window frames, 200 pairs window sashes, 100 doors, and 100 frames, (door,) 1,511 feet white pine boards, 2,700 feet white pine scantling, 160 feet white pine scantling, 2,095 bags oats, 42 bundles hay, 86 bundles shingles, 2 tarpaulins.....	6,684 02
Nov. 1	49 bundles hay, 4 duck paulins, 740 bags oats, 17,000 feet white oak plank, 1,000 feet white pine plank, 1,000 feet cedar boards, 6,000 feet dressed flooring boards, 66 root knees, 15 spruce and 4 yellow pine spars, 75 ash poles, 2 capstan heads, (iron,) 1 spyglass, 1 mariner's compass, 1 barometer, 1 box cal-skins &c., 5 barrels lard oil, 2 kedge anchors, 1 bundle saddler's tools.....	2,821 00
5	3 paulins, 2,340 bags oats, 100 bundles hay, 15 kegs nails, 13,097 feet white pine scantling.....	3,525 28
9	70,759 feet lumber.....	849 10
29	1,844½ feet oak lumber, 2,258½ feet ash lumber, 1,781 feet pine timber, 4 oak knees, 520 bags oats, 75 bundles hay, 4 paulins	1,168 63
30	25 kegs pure white lead, 12 lamps, 1 box brass gibs, 2 bed-plates	90 40
Dec. 22	150 bundles hay, 2,946 feet oak plank, 4 low-pressure gauge cocks, 1 main shaft, 3 wrought iron bands, 1 crank, 1 cylinder head, 1 piston and follower, 1 brass bush, 8,732 feet 1½-inch yellow pine plank, 717 bags oats.....	2,162 96
1850.		
Jan. 24	2,000 bags corn, 50 bundles hay, 100 duck paulins, 3,302 feet pine plank and boards, 543 feet white oak boards, 600 feet white pine boards, 8,254 feet oak plank, 16 root knees.....	6,329 51
14	2 kegs brads, 1 barrel turpentine, 1 bundle forks, 1 bundle measures, 1 barrel alcohol, 7 coils rope, 1 box containing a lamp...	246 00
31	2 paulins.....	63 00
Feb. 6	1 bundle spile-driving implements, 1 spile-driver, hammer, and 3 anchors, 22 barrels lime.....	47 50
10	300 sacks corn, 1,960 sacks oats, 4 paulins, 9,978 feet white pine plank, 50 bundles hay.....	2,891 77
14	4 wagons, 1 bundle water-bucket, 6 boxes horse-shoes, 1 bundle crowbars, 1 box harness, 6 boxes glass, 2 desks, 1 table, 2 wheelbarrows, 2 kegs black paint, 1 hand-cart, 1 dragon saddle, 1 blacksmith's anvil, 1 barrel tallow, 1 box axes, 2 boxes stationery, 1 bundle mule harness, 6 boxes mule-shoes, 41 kegs nails, 1 iron safe, 1 barrel neatsfoot oil, 1 tin case, 1 stone jug, 4 kegs white lead, 3 coils rope, 1 bundle scythe blades, 2 bundles snaths, 1 grindstone, 4 bundles spades, 3 bundles shovels, 1 bundle wagon-whips, 1 bundle leather, 2 boxes horse-shoe nails, 1 bundle wagon-bows, 1 jack-screw, 1 saddle and bridle.....	1,363 25
20	1 box saddler's thread, 100 kegs nails, 5 barrels turpentine, 1 cask locks, &c., 100 barrels lime, 1 bundle chest-locks and bits....	721 00
24	3,840 pounds iron, 12 half-round files, 12 small flat files, 36 flat files, 50 papers saddler's tacks, 25 papers copper tacks.....	138 95
March 2	1 bundle lampwicks.....	2 50
6	1 bundle hammers, &c., 3 cotton duck paulins, 50 bundles hay, 1,100 bags oats, 23 oak-root knees, 92 pieces white oak plank, 10,000 feet white pine plank, (1½ inch,) 10,000 feet white pine boards, (1 inch,) 4 paulins, 1,150 bags corn, 120 bundles hay..	3,682 50
12	30 double grate bars, 4 paulins, 2,373 bags oats, 52 bundles hay..	3,037 38

A—Continued.

Date.	Quartermasters' stores.	Value.
1850.		
March 10	3 saddles and bridles, 2 martingales.....	\$31 00
17	56,550 feet inch yellow pine boards.....	848 25
16	1 travelling forge, 4 trace chains, 1 wagon whip, 6 froes, 1 cooper's axe, 2 cold chisels, 2 punches, 1 pair compasses, 1 cooper's brace, 18 cooper's bits, 1 cooper's adze.....	266 90
21	45,043 feet inch pine boards, 4 ambulance springs, 18 stoves, (complete, large,) 6 boxes fixtures, 18 oval boilers and 36 round pots.....	1,145 64
26	1 desk.....	2 50
30	50 shovels, 1 bundle patent gumelastic packing, 30 reels packing yarn, 50 barrels lime, 1 barrel cotton, &c., 20 sheets boiler iron.....	324 50
April 4	4,880 bags oats, 152 bundles hay, 1,000 feet scantling, 100 feet inch yellow pine boards, 500 feet yellow pine scantling, 9 bundles corn-brooms, 1 can varnish, 1 box paints, &c., 5 barrels neatfoot oil, 7 paulins, 6 boxes stove-pipe, &c.....	6,003 30
16	68,787 feet inch yellow pine boards.....	1,031 85
17	29 boxes harness, 1 box saddles, &c., 100 shovels, 2 saddler's horses, 2 boxes locks, bolts, &c., 3 bundles lead pipe.....	2,230 50
22	1 old pitman, 2 pieces copper pipe.....	2 00
25	2 boxes, (steam pump, &c.,) 16 pieces copper pipe.....	10 00
May 2	50 barrels lime.....	62 50
4	2 boxes latches, rivets, &c., 2 hogsheds and 1 barrel charcoal, 2,400 sacks oats, 2 482 feet oak plank.....	2,650 28
14	1 coil Manila rope, (220 pounds).....	28 60
27	1 box blankets, tablecloths, &c., 2 kegs copper nails, 6 kegs white lead, 4 barrels linseed oil, 4 barrels spirits turpentine, 50 coils Manila rope, 3 casks sheaves and blocks, 1 box crockery, 1 barrel machinery, 1 bottle quicksilver, 1 brass pump, 1 brass bucket, 2 brass valves and stems, 1 wrought iron valve, stem, and arms.....	868 00
June 31	10 horses.....	1,000 00
10	8 composition rudder braces and pintles, 4 composition rudder braces and pintles, 2,000 fire bricks, 2 masts, 27 coils rope, 2 barrels Spanish whiting, 2 cans varnish, 1 box putty, 20 boxes window glass, 7 kegs white lead, 4 large tin cans, 2 casks butts, &c., 75 hickory axletrees, 25 wagon hubs.....	1,095 70
10	100 bags bran, 12 hogsheds charcoal, 12 office chairs, 11 squares of slates, 40,684 feet scantling, 120 bundles shingles, 200 felles, 100 pairs window sashes, 26 buckets, 1 cast iron pump, complete, 1 bundle lead pipe, 5 bundles bolt copper, 1 box copper nails and washers.....	1,443 31
17	2 barrels tallow, 27 kegs paints, 100 barrels oil, 5 barrels spirits of turpentine, 33 bundles brooms, 2 boxes brushes, paints, &c.....	3,271 50
22	62 bars flat iron, 260 pounds rod iron.....	191 00
24	8 barrels tallow, 20 bolts canvass, 1 box brushes, 1 keg varnish, 21 coils rope, 1 box stationery.....	576 95
		283,625 62

A—Continued.

Date.	Clothing, and camp and garrison equipage.	Value.
1848, July 1, to August 7, 1850.	114 wool jackets, private, dragoon 342 cotton overalls.....do..... 2 guidons.....do..... 244 saddle blankets.....do..... 122 nose bags.....do..... 122 horse brushes.....do..... 122 iron combs.....do..... 122 currycombs.....do..... 244 saddles, complete, 244 bridles, complete, (dragoon)..... 308 spurs and straps, (pairs of).....do..... 60 fatigue frocks.....do..... 1 sash, 2 sergeants wool' overalls, ordnance..... 60 cotton jackets, private, artillery..... 12 sergeants' wool jackets, light artillery..... 2 trumpets..... 1 storm flag..... 1 garrison flag and halyards..... 10 axes..... 7 drum snares..... 4 iron pots..... 800 bootles..... 120 cotton shirts.....	\$408 26 191 52 10 00 549 00 91 50 71 06½ 9 76 21 96 7,330 00 223 30 36 70 6 50 39 30 40 74 19 00 11 76 37 94 5 00 1 75 4 80 1,456 00 52 80
		10,605 34½

RECAPITULATION.

Quartermaster's stores.....	\$283,625 62
Clothing, camp and garrison equipage.....	10,605 34½
	<u>294,230 96½</u>

QUARTERMASTER GENERAL'S OFFICE,
Washington City, August 22, 1850.

B.

SUBSISTENCE STORES

SHIPPED TO

BRAZOS ST. LAGO AND MOUTH OF THE RIO GRANDE

Since the 30th of May, 1848.

B.

Subsistence stores shipped to Brazos St. Iago and the mouth of the Rio Grande since May 30, 1848.

Date.	Where from.	Pork.	Bacon.	Hams.	Salt beef.	Flour.	Hard bread.	Beans.
1848.	<i>From New Orleans.</i>							
October.....	Assistant commissary of subsistence, Brazos.							
November.....	do. do. do. do.			909		200		buskels quarta.
December 1	do. do. do. do. Camp Ringgold.	60	2,880	373	1	200	9,060	50 8
December 25	do. do. do. do. Brazos.					200		75
1849.	do. do. do. do. do.							
February.....	do. do. do. do. do.	50	3,629					
February 27	do. do. do. do. do. do.					50	1,786	
February 24	do. do. do. do. do. Fort Brown.	230			20	525		262 12
January 31	do. do. do. do. do. do.						18,500	
March 24	do. do. do. do. do. do.					30		9
April 17	do. do. do. do. do. do.						8,000	
April 24	do. do. do. do. do. do.	10		508		75		
May 28	do. do. do. do. do. do.	126		185	15	198	1,713	45 8
June 11	do. do. do. do. do. do.		1,103	655				
July 27	do. do. do. do. do. do.	20		1,299				
September 5	do. do. do. do. do. Point Isabel.	50	1,581	141	25	173		50 8
September 20	do. do. do. do. do. Fort Brown.					100	4,305	
September 30	do. do. do. do. do. do.				20		2,836	
November 13	do. do. do. do. do. do.	200				175		
November 13	do. do. do. do. do. Fort Polk.	50				100		
November 21	do. do. do. do. do. do.				50			
December 24	do. do. do. do. do. do.	60			20	60		
1850.								
January 24	do. do. do. do. do. do.			1,034			4,474	
February 4	do. do. do. do. do. Point Isabel.		2,250		30	50		
February 4	do. do. do. do. do. do.			582		100	4,588	
February 15	do. do. do. do. do. Fort Brown.	75		303		214		84 16
February 18	do. do. do. do. do. do.	180				68		

March	13	do.....do.....Point Isabel.....	11,126	193	58	250	5,745	80	8
	20	do.....do.....Brazos.....			25	50			
April	30	do.....do.....Point Isabel.....				63		19	13
	10	do.....do.....Brazos.....	14	5,539					
May	20	do.....do.....Fort Brown.....							
June	2	do.....do.....do.....							
	11	do.....do.....Brazos.....	10		15	50			
	15	do.....do.....Fort Brown.....			15	80		15	
	24	do.....do.....Ringgold barracks.....	24	4,800	161	73	2,000	17	2
	24	do.....do.....Fort McIntosh.....	17	2,476	1,616		9,000		
		Total from New Orleans.....	1,116	35,394	7,838	264	3,106	72,986	708
1849.		From New York.							4
May	31	Assistant commissary of subsistence, Brazos.....	62		63	757		65	
June	21	do.....do.....do.....	306		63	1,435		113	24
		Total from New York.....	368		126	2,192		178	24

B—Continued.

Date.	Where from.	Rice.	Coffee.	Sugar.	Vinegar.	Candles.	Soap.	Salt.
		pounds.	pounds.	pounds.	gallons	pounds. ounces.	pounds.	busbels. quarts.
1848.	From New Orleans.							
October.	Assistant commissary of subsistence, Brazos.							
November.	do. do. do.							
December 1	do. do. Camp Ringgold.	423	1,980	2,671	208	319 4	816	17
December 25	do. do. Brazos.	3,079		2,656				
1849.								
February.	do. do. do.							
February 27	do. do. do.							
February 29	do. do. Fort Brown.	9,719						
January 31	do. do. do.							
March 24	do. do. do.							
March 17	do. do. Brazos.	746	724	1,805	150	198	432	6 8
April 24	do. do. Fort Brown.					699		
April 24	do. do. do.							
May 28	do. do. Brazos.							
June 11	do. do. Fort Brown.	1,876	2,208	4,501	384	373	1,488	22 24
July 27	do. do. do.							
September 5	do. do. do.							
September 5	do. do. Point Isabel.	1,582						
September 20	do. do. Fort Brown.							
September 20	do. do. do.					1,580	1,920	
November 13	do. do. do.							
November 13	do. do. Fort Polk.							
November 21	do. do. do.							
November 21	do. do. Fort Brown.	2,166				1,014 8		
December 24	do. do. do.	2,119				1,066 8		
1850.								
January 24	do. do. do.				720			
January 4	do. do. Point Isabel.	527						
February 4	do. do. Fort Brown.							
February 15	do. do. do.	1,244			570			
February 18	do. do. do.							
March 13	do. do. do.							
March 20	do. do. Point Isabel.	1,634		2,317				
March 20	do. do. Brazos.			5,286				
March 20	do. do. do.			4,014				
April 10	do. do. Point Isabel.							
April 10	do. do. Brazos.	553	768	1,454	190	124 8	450	7

B—Continued.

Date.	Where from.	Whiskey.		Melasses.	Kront.	Pickles.	Dried fruit.	Potatoes.	Amount.
		gallons.	gills.						
1848.	From New Orleans.								
October.....	Assistant commissary of subsistence, Brazos.....								\$1,205 08
November.....	do.....do.....do.....								1,121 20
December 1	do.....do.....Camp Ringgold.....			163	3		707	30	2,201 24
25	do.....do.....Brazos.....								1,631 46
1849.									
February.....	do.....do.....do.....								897 17
February 27	do.....do.....do.....								379 00
January 24	do.....do.....Fort Brown.....							10	7,401 73
31	do.....do.....do.....								829 80
March 24	do.....do.....Brazos.....			49					647 86
April 17	do.....do.....Fort Brown.....						891	150	784 51
24	do.....do.....Brazos.....							45	789 00
May 28	do.....do.....Fort Brown.....					10		60	4,701 27
June 11	do.....do.....do.....			166		6	1,725		314 94
July 27	do.....do.....do.....			397	20	20	1,694		937 99
September 5	do.....do.....Point Isabel.....					10			2,452 80
20	do.....do.....Fort Brown.....				2	10	2,662	75	772 20
November 13	do.....do.....do.....								2,863 55
13	do.....do.....do.....								2,909 09
21	do.....do.....Fort Polk.....			51					1,094 28
December 24	do.....do.....Fort Brown.....							75	1,402 77
1850.								75	1,944 27
January 24	do.....do.....do.....					10	1,270		615 94
February 4	do.....do.....Point Isabel.....			77	3	15	316		1,022 54
4	do.....do.....Fort Brown.....								1,651 33
15	do.....do.....do.....	426	2	80					3,153 97
18	do.....do.....do.....								408 00
March 13	do.....do.....Point Isabel.....	233			18	48	4,788	135	6,118 15
29	do.....do.....Brazos.....								890 88
30	do.....do.....Point Isabel.....								1,014 62
April 10	do.....do.....Brazos.....								1,014 62

C.

ORDNANCE DEPARTMENT,
Washington, August 3, 1850.

SIR: In answer to your letter of this date, asking what quantity of supplies belonging to this department, with the value thereof, has been sent to the Brazos Santiago and mouth of the Rio Grande since the 30th of May, 1848, I reply that I can find nothing ordered to those points, except two barrels of coal tar in September, 1848; value \$11.

I am, sir, very respectfully, your obedient servant,

G. TALCOTT,
Brevet Brigadier General, Colonel of Ordnance.
Major General JESUP,
Quartermaster General.

NAVY DEPARTMENT,
August 3, 1850.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, transmitting a copy of a resolution of the Senate, under date of the 31st ultimo, and calling my attention to that portion of it having reference to "freight shipped (and the value thereof) to the Brazos Santiago and the mouth of the Rio Grande, for the public service."

The subject has been referred to the several bureaux of this department, the respective chiefs of which report that no public stores of any kind have been shipped to the points above indicated by direction of the Navy Department.

I have the honor to be, very respectfully, your obedient servant,

WILL. A. GRAHAM.
Hon. THOMAS CORWIN,
Secretary of the Treasury.

REPORT
OF
THE SECRETARY OF THE INTERIOR,

IN ANSWER TO

A resolution of the Senate relative to the Hot springs of Arkansas.

JUNE 26, 1850.

Referred to the Committee on Public Lands.

SEPTEMBER 9, 1850.

Ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, June 24, 1850.

SIR: On the 4th instant I had the honor to receive a resolution adopted by the Senate on the 3d instant, in the following words, viz:

“Resolved, That the Secretary of the Interior be directed to communicate to the Senate the information possessed by, or properly within the scope of, his department, in relation to the applications of private claimants to the Hot springs of Arkansas, or any portion of the four sections of land surrounding those springs, reserved from sale since April 20, 1832, together with the action of the General Land Office, and of any other of the executive departments, in relation to such applications.”

In compliance with this resolution, I have the honor to transmit herewith a copy of a letter from the Commissioner of the General Land Office, dated the 10th instant, and copies of all letters and papers on file in that office touching the subject of claims to the Hot springs in Arkansas, and which, it is believed, contain all the information on the subject in possession of the executive departments.

I am, sir, with much respect, your obedient servant,
T. EWING, *Secretary.*

HON. MILLARD FILLMORE,
President of the Senate.

GENERAL LAND OFFICE,
June 10, 1850.

SIR: I have had the honor to receive from you a copy of the following resolution, adopted on the 3d instant by the Senate of the United States, to wit:

“Resolved, That the Secretary of the Interior be directed to communi-

cate to the Senate the information possessed by, or properly within the scope of, his department, in relation to the applications of private claimants to the Hot springs of Arkansas, or any portion of the four sections of land surrounding those springs, reserved from sale since April 20, 1832, together with the action of the General Land Office, and of any other of the executive departments, in relation to such applications."

Pursuant to your instructions in reference to this resolution, I have the honor to submit, that from the records and files of this office the following appears:

That, on the 26th of November, 1818, the recorder of land titles at St. Louis, Missouri, issued to *Francis Langlois* a New Madrid location certificate, No. 467, for 200 arpens = $170\frac{1}{8}$ acres, pursuant to the act of Congress, approved February 17, 1815, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes;" that, on the 27th of January, 1819, S. Hammond and Elias Rector applied to General William Rector, surveyor, &c., of the public lands for the State of Illinois and Territory of Missouri, "for" the entry, or donation, of 200 arpens of land to satisfy "the aforesaid New Madrid certificate, No. 467," to be surveyed in a square tract, the lines of which to be corresponding with the cardinal points, and to include the Hot springs (so called) upon the waters of Ouachita river, south of the river Arkansas, the said springs to be as near the centre of the square as circumstances will admit; "at the same time requesting an order of survey;" agreeably to this notice, "the springs so to be included," being "those generally known as the largest and most resorted to upon that river;" that, under date February 28, 1838, a return of survey was made by John C. Hale, as deputy surveyor of the aforesaid location, which, from the plat in this office, approved by Surveyor General Cross on the 30th of April, 1838, is represented to cover portions of the northeast and southeast quarters of section 32, and of the northwest and southwest quarters of section 33, in township 2 south, of range 19 west of the fifth principal meridian, Arkansas; that, with a letter of the 22d June, 1838, Henry M. Rector, esq., transmitted to this office a patent certificate, No. 435, dated June 16, 1838, in favor of Francis Langlois, with a return of Hall's survey, covering the Hot springs; but no final decision on the matter was had by this office in 1838, as the copy of the said survey did not exhibit its connexions with the contiguous public surveys, and a caveat had been filed in behalf of the widow and heirs of John Perciful, deceased, claiming the land by pre-emption. It appears, also, that by the 3d section of the act of Congress, approved April 20, 1832, entitled "An act authorizing the governor of the Territory of Arkansas to lease the salt springs in said Territory, and for other purposes," it is declared "that the Hot springs in said Territory, together with four sections of land, including said springs, as near the centre thereof as may be, shall be reserved for the future disposal of the United States, and shall not be entered, located, or appropriated for any other purpose whatever; and, accordingly, this reservation was fully laid down in the township plat dated April 30, 1838, as returned to this office by the surveyor general.

In 1839 the question as to the validity of certain New Madrid locations, under the act of February 17, 1815, south of the Arkansas river, and in the section of country ceded by the Quapaws in 1818, was brought before this office, and on the 18th of September, 1839, it was decided that such

locations were void, upon the ground that they were not on lands the sale of which was authorized by law at the date of said act of February 17, 1815.

The location of the Langlois claim on the Hot springs, being in the Quapaw cession, was held by this office to be invalid under the decision alluded to, and Mr. Rector was advised accordingly, under date of December 30, 1841.

Subsequently, however, Congress passed an act, which was approved March 1, 1843, entitled "An act to perfect the titles to lands south of the Arkansas river, held under New Madrid locations and pre-emption rights under the act of 1814."

The first section of this act declares that the locations "heretofore made of warrants issued" under the act of February 17, 1815, "of those locations which were made on the south side of the Arkansas river, if made in pursuance of the provisions of that act in other respects, shall be perfected into grants in like manner as if the Indian title to the lands on the south side of said river had been completely extinguished at the time of the passage of said act."

The second section of that act provided for cases where such locations south of the river may have been sold, by allowing a right to enter elsewhere within a limited time. The third section declares every settler south of the river entitled to the benefits accruing under the pre-emption act of 1814, "as though they had resided north of the river;" and the fourth and last section provides for the confirmation of Cherokee pre-emptors.

In 1843 Governor J. S. Conway brought this act to the notice of the General Land Office, and applied for a patent, to issue under its provisions, for the Langlois location of the Hot springs.

On the 1st March, 1843, Commissioner Blake decided against his application, and held that "the act of 1832 has imposed such a restraint, by *reservation* of these springs, as to exclude them from the operation of the act," and "on this ground" declared that Governor Conway's application "cannot be complied with," &c.

On the 8th May, 1848, Commissioner Young rendered a decision against the validity of the location, and on the 26th January, 1849, Mr. Rector asked for an appeal to the Secretary of the Treasury, and the case under that date was laid before that officer.

Under date 27th February, 1849, Mr. Secretary Walker referred the matter to Attorney General Toucey, stating that "after some examination of the subject, and especially the acts of 1815, 1827, 1832, and 1843, he could not concur in the views of the Commissioner, &c., and "not having time to give to the subject that complete and thorough investigation which its importance demands," he referred "the questions involved for" the Attorney General's "decision."

By a communication of the 26th April, 1850, the Hon. S. Borland, in behalf of the agent of Granmont Filhiol, drew the attention of the General Land Office to the existence of a Spanish grant to the Hot springs, and applied for time for the preparation and presentation of the claim. To that application it was replied that this office had no evidence that the Spanish claim had ever been filed before a board of United States commissioners, or otherwise legally brought to the notice of the government, but that, on the contrary, we had letters here, dated in 1839, from the surveyors general

at St. Louis and Little Rock, that there is no evidence on their files of such a grant; adding, that where a grant has not been brought to the notice of the government, in the manner alluded to, this office has no power to take cognizance of it. whatever may be its character.

The matter, however, was laid before the Hon. Secretary of the Interior, for such directions as he might be pleased to give touching Mr. Borland's application in behalf of the agent of Filhiol.

On the 29th April, 1850, the Attorney General rendered his opinion that a patent should issue for the Langlois New Madrid claim; but, in consequence of caveats having been filed in behalf of adverse claims, all further proceedings in the New Madrid case have been held in suspense, pursuant to instructions dated the 7th May, 1850, of the Hon. Secretary of the Interior.

On the 20th April, 1839, the register and receiver at Washington, Arkansas, were addressed on the subject of the pre-emption claim under act of 12th April, 1814, of Sarah Perciful and Daniel Perciful, as heirs of John Perciful to this land, certified copies of the proof in that case having been transmitted to this office, showing the rejection by those officers of that claim, on the 27th September, 1838, upon the ground of the occupation of the land by the New Madrid location of Langlois. This rejection of the claim was approved, but upon different grounds, to wit: that the land being Indian land until after the extinguishment of the Indian title by the Quapaw treaty of 24th August, 1818, could not have been the subject of grant by pre-emption founded on a law more than four years prior in date, and which had reference alone to *then existing* settlements on *public land*.

On the 18th of November, 1841, Lawson Runyon presented to this office the testimony which had been filed at the district land office in relation to the pre-emption claim of Ludovicus Belding, (or Lydia Belding) under the act of 29th May, 1830, and having called the attention of this office to the same on the 23d May, 1842, he was advised on the 24th June, 1842, that in consequence of the reservation of the land by the act of 20th April, 1832, no claims of any description could be entertained by this office on the subject, it regarding the reservation by said law made prior to the survey of the land, and of course before the party could prove up and pay for the land, as virtually repealing the pre-emption privileges of the act of 1830 as applicable to the land referred to.

On the 29th April, 1843, certain affidavits adverse to Perciful's claim were filed by H. M. Rector; and on the 4th December, 1843, the Hon. Edward Cross filed affidavits in its further support.

On the 23d December, 1843, a claim in the names of William Davis and Mary Davis, late Mary Fulsom, under the act of 12th April, 1814, was presented by Lawson Runyon, in reference to which he was advised on the 11th January, 1844, that no examination had been made thereof with a view to any action, he having been made aware by previous correspondence that this office would entertain no claims of individuals for the land in question, but that, according to his request, the papers would be placed on file here with others relating to the same subject.

On the 29th February, 1844, a report was made to the Secretary of the Treasury in relation to all the claims to this land.

J. W. Breedlove, esq., in behalf of Mrs. Belding, filed on the 30th of March, 1844, certain papers in relation to her claim.

On the 5th June, 1844, information was given to the honorable chairman of the Committee on Public Lands of the Senate in relation to the

claims to this land, and various other letters in reference to the pre-emption claims were addressed to this office and replies given, (which will be found herewith, and specially referred to in the accompanying schedule,) repeating the action previously had, and adhering thereto.

Subsequent to the recent decision by yourself, under the Attorney General's opinion, the efforts of the claimant, Lydia Belding, under the act of 1830, were renewed; and further action on the case having been suspended by your orders until she could be heard, I had the honor to enclose you, on the 29th May last, an argument of her counsel on the subject, and here the case rested until the receipt of your last letter enclosing the resolution of the Senate, under the requisitions of which the present report is made. Copies of all the material papers and records, with certain printed documents as described in the schedules A and B, are herewith sent, in compliance with your directions.

With great respect, your obedient servant,

J. BUTTERFIELD, *Commissioner.*

HON. THOMAS EWING,

Secretary of the Interior.

A.

Schedule of papers accompanying Commissioner's report of June 10, 1850, respecting the New Madrid claim to the Hot springs in Arkansas.

1. Copy of letter, dated June 22, 1848, from Mr. Rector to Commissioner, with patent certificate and plat of the New Madrid location of Francis Langlois.
2. Copy of patent certificate No. 435 for the Langlois location.
3. Copy of plat of survey.
4. Copy of letter, dated June 25, 1838, from J. W. Cocke to Commissioner.
5. Copy of letter, dated June 28, 1838, in behalf of heirs of Percival, to Commissioner.
6. Copy of letter, dated September 12, 1838, from Mr. Rector to Commissioner.
7. Copy of letter, dated September 14, 1838, from W. B. Hawkins to Commissioner.
8. Copy of letter, dated October 16, 1838, from Commissioner to Mr. Rector.
9. Copy of letter, dated December 16, 1838, from Mr. Rector to Commissioner.
10. Copy of letter, dated February 26, 1839, from Mr. Rector to Commissioner.
11. Copy of letter, dated May 25, 1839, from Mr. Rector to Commissioner, with
12. Copy of letter, dated May 25, 1839, from surveyor general, St. Louis, Missouri, to Mr. Rector.
13. Copy of letter, dated June 26, 1839, from surveyor general, Little Rock, to Commissioner.

14. Copy of letter, dated July 5, 1839, from J. A. Sabin to Commissioner.
15. Copy of letter, dated July 31, 1839, from Commissioner to J. A. Sabin.
16. Copy of a transcript of a letter, dated October 8, 1839, from Mr. Rector to F. S. Key.
17. Copy of letter, dated December 3, 1839, from Commissioner to F. S. Key.
18. Copy of letter, dated November 30, 1841, from Mr. Rector to Commissioner, with copies of notes at General Land Office.
19. Copy of letter, dated December 30, 1841, from Commissioner to Mr. Rector.
20. Copy of letter, dated March 25, 1842, from J. S. Conway to Commissioner.
21. Copy of letter, dated February 28, 1843, from Mr. Sevier to Commissioner.
22. Copy of letter, dated March 1, 1843, from Commissioner to Mr. Conway.
23. Copy of letter, dated March 4, 1845, from Mr. Rector to Commissioner.
24. Copy of letter, dated March 31, 1845, from Mr. Pelham to Commissioner.
25. Copy of letter, dated April 14, 1845, from Commissioner to Mr. Rector.
26. Copy of letter, dated April 23, 1845, from Mr. Rector to Commissioner.
27. Copy of letter, dated May 14, 1845, from Commissioner to Mr. Rector.
28. Copy of letter, dated May 28, 1845, from Mr. Rector to Commissioner.
29. Copy of letter, dated July 5, 1845, from Commissioner to Mr. Rector.
30. Copy of letter, dated July 5, 1845, from Commissioner to Solicitor of the Treasury.
31. Copy of letter, dated September 18, 1847, from A. Proniewski to Secretary of the Treasury.
32. Copy of reply, dated October 13, 1847, from Commissioner General Land Office.
33. Copy of letter, dated February 14, 1848, from Hon. R. W. Johnson to Secretary of the Treasury.
34. Copy of Commissioner Young's decision, dated May 8, 1848, in the Langlois location.
35. Copy of letter, dated January 8, 1849, from Commissioner to Mr. Rector.
36. Copy of letter, dated January 25, 1849, from same to same.
37. Printed argument, dated January 15, 1849, from Mr. Rector.
38. Printed opinion of Richard S. Coxe on New Madrid claim south of Arkansas river.
39. Copy of letter, dated January 26, 1849, from Mr. Rector to Commissioner.
40. Communication, dated January 26, 1849, from Commissioner to Secretary of the Treasury, submitting Mr. Rector's appeal.

41. Copy of letter, dated January 29, 1849, from Mr. Rector to Mr. Foote.
42. Copy of letter, dated February 1, 1849, from same to same.
43. Copy of letter, dated February 14, 1849, from Mr. Sebastian to Mr. Rector.
44. Copy of letter, dated February 14, 1849, from Commissioner to Mr. Rector.
45. Copy of letter, dated February 15, 1849, from Mr. Rector to Secretary of the Treasury.
46. Copy of letter, dated February 15, 1849, from same to same.
47. Copy of letter, dated February 27, 1849, from Secretary of Treasury to Attorney General.
48. Copy of letter, dated November 3, 1849, from Commissioner to Hon. Reverdy Johnson, accompanied by copies of letters therein referred to.
49. Copy of letter, dated January 13, 1849, from Hon. S. Borland to Commissioner.
50. Copy of letter, dated January 18, 1849, from same to same.—(See No. 36 in reference to this.)
51. Copy of letter, dated April 26, 1850, from same to same.
52. Copy of letter, dated April 29, 1850, from General Land Office to Mr. Borland.
53. Copy of letter, dated April 29, 1850, from General Land Office to Secretary of Interior.
54. Copy of letter, dated May 3, 1850, from Secretary of the Interior, enclosing
55. Transcript, of which there is a copy herewith, dated April 29, 1850, of Attorney General's opinion.
56. Copy, dated May 7, 1850, from Secretary of Interior, ordering proceedings to be suspended.
57. Copy of letter, dated May 16, 1850, from Hon. Solon Borland, with
58. Copy of letter, dated May 3, 1850, from Roswell Beebe.
59. Copy of letter, dated May 21, 1850, from Commissioner to Hon. S. Borland.
60. Copy of letter, dated May 21, 1850, from Commissioner to Secretary of Interior.
61. Diagram, from township plat, exhibiting New Madrid location of the Hot springs and the reservation of four sections around them.

GENERAL LAND OFFICE, *June 10, 1850.*

No. 1.

ST. LOUIS, *June 22, 1838.*

DEAR SIR: The enclosed documents are those necessary for the issuing of patents to the legal representatives of the original claimants. There seem to be some omissions by the surveyor general, to wit: the number of survey and the township and range of the Langlois tract; this claim being located previous to the making of the public surveys, may render it unnecessary to state the numbers, as they will be shown by reference to the plat of the township on which such location appears, as per reference to

township 2 south, range 19 west of the fifth principal meridian. The numbers of each, as you will discover, have been procured from the surveyor general's office in this place, the locations being made previous to the creation of the Little Rock office. You will please enclose the patents to my address, and oblige

Yours, respectfully,

HENRY M. RECTOR,

Little Rock, Arkansas.

TO COMMISSIONER OF THE GENERAL LAND OFFICE,

Washington City, D. C.

No. 2.

[No. 435.]

OFFICE OF THE RECORDER OF LAND TITLES,

St. Louis, Missouri, June 16, 1838.

I certify that, in pursuance of the act of Congress passed the 17th day of February, 1815, a location certificate, number 467, issued from this office in favor of Francis Langlois, or his legal representatives, for two hundred arpens of land; that a location has been made, as appears by the plat of survey herewith, and that the said Francis Langlois or his legal representatives is entitled to a patent for the said tract, containing, according to said location, one hundred and seventy acres and fifteen hundredths of an acre, situated in the State of Arkansas, the township and range not mentioned, survey number 2903.

F. R. CONWAY,

U. S. Recorder of Land Titles in the State of Missouri.

TO COMMISSIONER OF THE GENERAL LAND OFFICE,

City of Washington.

No. 3.

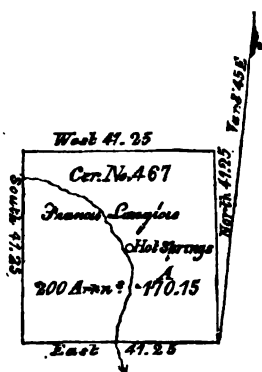
General WILLIAM RECTOR,

Surveyor, &c., of the public lands for State of Illinois and Territory of Missouri:

The undersigned applies for the entry or donation of two hundred arpens of land, to satisfy a certificate issued by Frederick Bates, esq., recorder of land titles for the Territory of Missouri, to Francis Langlois, or his legal representatives, dated the 26th November, 1818, and numbered 467, to be surveyed in a square tract, the lines of which to be corresponding with the cardinal points, and to include the Hot springs (so called) upon the waters of Ouachita river, south of the river Arkansas; the said springs to be as near the centre of the square as circumstances will admit. An order of survey is solicited, and directions agreeably to this notice. The springs so to be included are those generally known as the largest and most resorted to upon that river.

S. HAMMOND,
ELIAS RECTOR.

ST. LOUIS, 27th January, 1819.



CERTIFICATE No. 467.—(Var. $8^{\circ} 45'$ east.)—Survey No. 2903.

Surveyed for Francis Langlois, or his legal representatives, who claims location by virtue of certificate No. 467, issued by Frederick Bates, recorder of land titles, on the 26th November, 1818, two hundred arpens, equal to one hundred and seventy and fifteen hundredths acres of land, beginning at the main Hot spring of Arkansas; thence $S. 45^{\circ} E.$ on an unmarked line, 29.17 chains, where set a post the southeast corner of said survey; from which a pine 24 inches diameter bears $N. 7^{\circ} E.$ 40 links, and a pine 16 inches diameter bears $N. 67^{\circ} W.$ 53 links, each marked P. S. and B. T.; thence north, (with the line of the survey,) at 204 links a white oak 13 inches diameter; at 41.25 chains set a post the northeast corner of said survey, from which a pine 16 inches diameter bears $N. 45^{\circ} E.$ 15 links, and a black oak eight inches diameter bears $S. 68^{\circ} W.$ 15 links, each marked P. S. and B. T.; thence west at 355 links a white oak 24 inches diameter; at 41.25 chains set a post the northwest corner of said survey, from which a white oak 16 inches diameter bears $N. 10^{\circ} E.$ 48 links, and a white oak 18 inches diameter bears $S. 58^{\circ} E.$ 56 links, each marked P. S. and B. T.; thence south at 60 links a white oak, at 12.10 chains—Hot Spring creek bears east; at 41.25 chains set a post the southwest corner of said survey, from which a black oak six inches diameter bears $N. 48^{\circ} E.$ 21 links, and a black oak 10 inches diameter bears $N. 28^{\circ} W.$ 50 links; thence east, at 563 links a black oak 12 inches diameter, at 18.87 chains—Hot Spring creek bears south; at 41.25 chains the southeast corner of said survey.

In conformity with instructions from the surveyor general, I have surveyed the foregoing location or claim in the name of Francis Langlois, so that the main Hot spring is in the centre thereof.

JOHN C. HALE, D. S.

FEBRUARY 28, 1838.

SURVEYOR'S OFFICE, LITTLE ROCK, April 23, 1838.

The foregoing writing is a true copy of the location, plat, and survey of two hundred arpens of land, by virtue of certificate No. 467, on file in this office; the survey of which has been examined and approved.

EDWARD CROSS,
Surveyor Public Lands.

TO FREDERICK R. CONWAY,
U. S. Recorder of Land Titles, St. Louis, Missouri.

RECORDER'S OFFICE,
St. Louis, Missouri, June 16, 1838.

The foregoing is truly recorded on pages 42 and 43 of book G of records in this office. The number of survey was obtained by me from the surveyor's office at St. Louis and inserted.

F. R. CONWAY,
U. S. Recorder of Land Titles in the State of Missouri.

No. 4.

WASHINGTON CITY, June 25, 1838.

SIR: I have been informed that an application will probably be made in a short time, under a New Madrid certificate and location, for a patent to a tract of land embracing the Hot springs in the State of Arkansas. I deem it necessary to inform the department that there is a pre-emption claim covering these springs, the proofs in favor of which are now being made out, and will be forwarded as soon as completed.

I trust, therefore, that no patent will be issued, should application be made therefor under the New Madrid claim, until those claiming under the pre-emption shall have an opportunity of laying their claim, and the proofs in favor of it, before the department.

Yours, very respectfully,

J. W. COCKE.

J. S. WHITCOMB, Esq.,
Commissioner of the General Land Office.

No. 5.

LITTLE ROCK, June 26, 1838.

The plat of the survey of township two south, range nineteen west, has recently been completed, and sent on to the General Land Office. On the southwest quarter of section thirty-three of that township, including the Hot springs, the plat shows that the New Madrid certificate of Francis Langlois has been located, which will probably be considered *prima facie* evidence of the right of those claiming under said Langlois sufficient to authorize the issue of a patent to them.

The object of the undersigned is to postpone an issuance of a patent, and any judgment on the claim, until they can have proofs of their paramount right made according to law, and submitted to the register and receiver at Washington, Arkansas, for their decision.

John Perciful, husband and father of the subscribers, improved and cultivated the said quarter-section in 1811; and his possession continued without interruption until 1835, when he died.

Your subscribers claim under the act of May 29, 1830, and would claim under the act of 1814, but the Quapaw title was not then extinguished; nor was it in 1815, at the passage of the law giving the New Madrid certificates. By that law, the certificates were to be located on lands the "sale of which is authorized by law."—(See, as to the construction of this limitation, the opinion of Wirt, Attorney General, on the pre-emption law of 1824, document of the Senate No. 37, session 1837-'8.)

The subscribers would have presented their proofs ere this to the offi-

cers at Washington, Arkansas; but George Conway, esq., receiver, has been out of office, by the expiration of his commission, since the 16th May, 1838. He has received his commission to-day, and has been qualified before Judge Johnson, in this place; and when he returns, the proofs of the subscribers' right of pre-emption will be submitted. And until the subscribers can have a fair hearing and final judgment on their claim, they pray a patent may not issue on the New Madrid certificate.

No confirmation has ever been made of the location under Langlois's certificate, because it was not located on land "the sale of which was authorized by law."

Respectfully,

SARAH PERCIFUL, widow.
D. PERCIFUL,
Only heir of John Perciful, deceased.
By A. FOWLER and
TRAPNALL & COCKE,
Attorneys.

JAMES WHITCOMB,
Commissioner of the General Land Office of the United States.

No. 6.

LITTLE ROCK, *September 12, 1838.*

DEAR SIR: Some two months since I enclosed to you, from St. Louis, the patent, certificate, plat, &c. of two New Madrid claims located in this State, as the plats of 2 S. 19 W. and 1 N. 12 W. will show. Original claimants (Langlois and Cockerham) being uninformed whether the enclosed documents reached you, I request a line from you assuring me of the fact, as we often experience great delay by the tardiness and miscarriage of the mails. If any informality exists in the papers, please state it in your communication, that I may endeavor to remedy it immediately.

Yours, respectfully,

HENRY M. RECTOR.

TO COMMISSIONER OF THE GENERAL LAND OFFICE.

No. 7.

HOT SPRINGS, ARKANSAS,
September 14, 1838.

SIR: Major Samuel P. Carson, formerly member of Congress from the State of North Carolina, has purchased one-half of a pre-emption right on the Hot springs, situated in Hot Spring county, in the State of Arkansas, claimed by Sarah Perciful and David Perciful, the only heirs of the late John Perciful, deceased.

A survey was made of this township, and others adjoining, last winter, and there are conflicting claims—a New Madrid claim held by Henry Rector, and the pre-emption claimed by the said heirs-at law of John Perciful, deceased, under the act of 1830, who has had possession of the springs since 1809. So soon as Major Carson understood that a plat had been sent to your office, he commenced taking depositions to prove the right of the said Perciful; he obtained what he thought was sufficient, sent them to the land office at Washington, in this State; they were returned,

accompanied by a letter from Mr. Weller, receiver at that office, stating, amongst other objections to the papers, that it appeared upon the plat of the township that a New Madrid claim had been located upon the said Hot springs, and surveyed according to the order of the surveyor general, which he says he considered as *prima facie* evidence of the validity of that claim. Shortly after the receipt of the papers and Mr. Weller's letter, Major Carson met with the register of the said office, Mr. Conway, who gave him a form for taking depositions. Mr. Carson immediately proceeded to amend his depositions, so as to make them formal, and to add other testimony; and in the last days of June Major Carson sent the papers again, by a special messenger, to the land office, with a written request that the officers would act as soon as possible. The gentleman who bore the papers wrote to Major Carson that Mr. Weller received them *badly*. Mr. Conway was not at home, having taken his wife to some place for her health. Mr. Carson waited until some time in August, and hearing nothing further from the office, sent another special messenger requesting their immediate action on the matter, and a transcript of all the testimony, that it might be forwarded to your office for your decision. Mr. Weller wrote him a short letter back, stating that Mr. Conway had not returned, and he could not act by himself. A few days ago Major Carson received a message from Mr. Weller that his business had not been attended to, and could not be, Mr. Conway still being absent from the office. Mr. Trapnell, Major Carson's lawyer, wrote him some time since, stating that he had received a letter from you giving three months from the date of your letter to forward proof as to the said Perciful's right of pre-emption. Major Carson makes this statement to show you the impossibility of forwarding the testimony for the want of action by the land officers at Washington, in this State; he therefore prays you to extend the time, to enable him to send on his proofs. The reason why Major Carson does not write himself is, that he has been sick through the summer with bilious fever, and at this time is not able to sit up. Major Carson refers you to the Secretary of the Treasury, one of his old Congressional acquaintances and friends, as to his character. Major Carson does not wish to be understood as making any charge against the land officers, but barely to state facts as they occurred.

With the highest consideration and respect, I remain your obedient servant,

WILLIAM B. HAWKINS.

MR. WHITCOMB,

Commissioner of the General Land Office.

No. 8.

GENERAL LAND OFFICE,
October 16, 1838.

SIR: In answer to your letter of the 12th ultimo, I have to inform you that your communication of the 22d of June last has been received, with New Madrid patent certificates Nos. 435 and 436—the former in favor of Francis Langlois, location certificate No. 467, with a “copy of the location, plat and survey” of that claim; the latter in favor of Henry Cockerham, with a “copy of the location and plat of 640 acres of land, by virtue of certificate No. 156.”

The surveyor general should furnish a plat of the survey of the Langlois claim, showing its connexion with the public surveys. The copy of

the survey which has been transmitted does not exhibit the connexion. Further, a caveat has been filed in behalf of Messrs. Trapnall and Cocke, attorneys for the widow and heirs of John Perciful, deceased, to prevent the issuing of the patent for the Langlois claim, until the parties claiming land (by right of pre-emption) which is covered by said New Madrid location can have a decision on their claim. Three months from the 18th of July last were allowed the parties claiming by right of pre-emption to file in this office such proofs, arguments, &c., as they may desire to submit. In consideration of representations contained in a letter of the 14th ultimo from William B. Hawkins, esq., the time will be extended three months from this date. In reference to the Cockerham claim, it is proper to state that the copy of the "location and plat" dated May 10 last, and signed by the late surveyor general, which was transmitted by you with the patent certificate, does not purport to be a copy of a *return of survey*, which it is the practice to file with the patent certificate, for such New Madrid claims, neither does it represent that a survey has been made by a deputy; and it is unaccompanied by the surveyor general's approval.

There is a township plat in this office, without the approval of the surveyor general, exhibiting the said claim. No return, however, of an approved plat exhibiting the said claim, appears yet to have been made to this office.

Very respectfully, your obedient servant,

JAS. WHITCOMB,
Commissioner.

HENRY M. RECTOR, Esq.,
Little Rock, Arkansas.

No. 9.

LITTLE ROCK, *December 16, 1838.*

DEAR SIR: Your letter of the 16th of October was duly received, and I feel much obliged that you have at so early a period pointed out the informalities attending the papers of my New Madrid land claims. As there has been no surveyor general of Arkansas for some months past, there has, consequently, been some delay in having such informalities corrected; and I regret to learn that the corrections must still be partial, as the surveyor general (now acting) refuses to issue an order of survey required for the Cockerham claim (so far is he mistaken in his duty) until the Commissioner is consulted on the subject, which I suppose he will do immediately. The plat for the Langlois claim will be forwarded to the General Land Office in a few days. As an immediate action is heartily solicited, I hope, sir, the surveyor general's request for instructions will meet with immediate attention.

Yours, most respectfully,

HENRY M. RECTOR.

TO COMMISSIONER OF THE GENERAL LAND OFFICE.

No. 10.

LITTLE ROCK, *February 26, 1839.*

DEAR SIR: According to the instructions received from your office some time last fall, concerning the New Madrid claim in favor of Francis

Langlois, I had the plat, &c., made out, and presume it has reached you before this. Some time has now elapsed since the period when the claims were to be decided on, but nothing has yet been received by which I am informed of the result. My object in writing you is to request instructions to be given to the proper land officers here concerning an entry made some five years ago by Messrs. McLain and Badgett in township 2 north, range 12 west, the land being on the south side of the Arkansas river; and by reference to the plat and survey of the New Madrid claim in favor of Henry Cockerham, it will be seen that the entry specified interferes with the location of the New Madrid. This entry, as I am informed, was suffered to be made through mistake of the then register, and the surveyor general neglecting to have the fraction embraced by such lines as are generally laid down to designate such locations—the balance of the land embraced by the claim being in the adjoining township south. The register at this place (Samuel H. Rutherford) informs me that he long since despatched to the General Land Office a statement of the facts in relation to this entry, but has received no instructions in relation thereto.

The individuals claiming under this entry are willing to relinquish, provided the money be refunded by the government.

Your instructions in relation to this matter are heartily solicited.

Respectfully, yours,

HENRY M. RECTOR.

JAMES WHITCOMB,
Commissioner.

No. 11.

ST. LOUIS, May 25, 1839.

SIR: I herewith enclose the certificate of the surveyor general of Missouri, concerning any Spanish grant that might embrace the land covered by certificate four hundred and sixty-seven (467) in favor of Francis Langlois, and located by L. Hammond and E. Rector on the Hot springs in Arkansas.

Respectfully, &c., &c.,

H. M. RECTOR.

COMMISSIONER OF THE GENERAL LAND OFFICE.

No. 12.

SURVEYOR'S OFFICE,

St. Louis, May 25, 1839.

SIR: In answer to your inquiry relative to the Washita Hot springs in Arkansas, included within the location made by Samuel Hammond and Eliás Rector on the 27th January, 1819, in virtue of New Madrid certificate No. 467, I have to inform you that there is not in this office a Spanish survey, nor any evidence of any Spanish or French grant, including said springs, or lying anywhere in the immediate vicinity thereof.

I am, respectfully, sir, your obedient servant,

WILLIAM MILBURN,
Surveyor General.

HENRY M. RECTOR, Esq.

No. 13.

SURVEYOR'S OFFICE,
Little Rock, June 26, 1839.

SIR: At the request of Mr. Henry M. Rector, I have examined the files of this office in search of a Spanish grant, said to cover the land embraced by the New Madrid claim, in favor of Francis Langlois, located to include the Hot springs, and have to state that no such paper can be found among the files in this office.

The above statement is furnished, being informed by Mr. Rector that such was your requisition.

Respectfully, your obedient servant,
 DAVID FULTON,
Surveyor Public Lands.

JAMES WHITCOMB, Esq.,
Commissioner General Land Office, Washington, D. C.

No. 14.

HOT SPRINGS, ARKANSAS, *July 5, 1839.*

DEAR SIR: I introduce myself to you in the following manner:

I was appointed clerk of the circuit court of the county of Hot Spring in the year 1835, and commissioned by William S. Fulton, then acting governor of the Territory of Arkansas; and by a statute law the clerk was compelled to live within one mile of the court-house, which was then, and still is, at the Hot springs, although there had been a special act of Congress reserving four sections of land with the Hot springs, as near the centre as may be. This act was in 1832. I settled here in the spring of 1834, became clerk of the circuit court, and county court, and probate court, and also ex-officio recorder in 1835, and was by the good people elected again last October for two years more, and may hold the office to some indefinite time. All my improvements and labor for the last five years is on the reserved land near the Hot springs, which reserve prohibits me from holding a pre-emption under the last act of Congress, without a repeal of the reserve and an act for my relief.

I expect that you are already apprized that there is a New Madrid certificate located here in 1819, long before the reserve was made; and what I wish to know of you is, if that claim located here was legal, and if the present owner, H. M. Rector, has or can get a patent for the New Madrid claim: not that the said claim affects me; but if he holds that it covers all the Hot springs, and as there is none of the four sections fit for cultivation, the balance of the reserve would be of little or no consequence to the government.

I have already proved up my pre-emption on a fraction that will remain of the southwest quarter of section 33, provided Mr. Rector holds his New Madrid claim.

There are divers other claims to those springs, but there is no person settled here permanently that has made so much improvement as I have; but I was compelled to live on this reserve or leave the office vacant, as there was no other resident on this reserve, and no one would come to

live on it in consequence of losing their improvements. I was obliged to keep it, or the State and county revenue could not be collected. And now I wish you to give me a full description of all the proceedings that have taken place concerning these springs. The register and receiver at Washington, Hempstead county, told me last fall that nothing but this reserve hindered me from entering my land. I then petitioned to Congress; but it being the short session, it only got there in time to be read, but not acted upon. I wish, on the receipt of *this*, your immediate attention, to inform me how the lands lie here respecting these claims.

I am, respectfully, your obedient servant,

IRA A. SABIN, *Clerk.*

Hon. JAMES WHITCOMB;

Commissioner General Land Office.

No. 15.

GENERAL LAND OFFICE, *July 31, 1839.*

SIR: In reference to the subject of your letter to me of the 5th instant, I have to inform you that no final action has yet been had by this office in reference to the New Madrid location on the Hot springs of Arkansas.

I am, sir, very respectfully, your obedient servant,

JAS. WHITCOMB,

Commissioner.

IRA A. SABIN, Esq.,

Hot Springs, Arkansas.

No. 16.

LITTLE ROCK, *October 8, 1839.*

DEAR SIR: I wrote to you some two months since on the subject of my land claims, and would not call your attention at this early period if I thought the Commissioner would at last consent to issue the patents.

I am about to commence ejectment against the pre-emptioners, in the United States circuit court, for the possession of a part of the land embraced in the Hot spring survey. The quarter section they claim is partly embraced by my survey. If the Commissioner refuses to issue the patent on the Cockerham claim, I presume he would also refuse the patent for the Langlois entry. If he objects upon the ground that they are south of the Arkansas river, I wish you to make application to the office where the plats, patent, certificates, deed, power of attorney, &c., &c., on both claims, are filed, and transmit them to me at this place, without you should meet with a good opportunity to send them by private conveyance; for, if I am denied the patent, I wish the best evidence of title I can procure, that I may maintain my action against the persons in possession; for, whether the patent issues or not, I will bring an action against the present occupants for the land. My mother, who lives in Missouri, has a life estate in the land, which gives the United States court jurisdiction. As I observed in my last letter, a former Commissioner has decided against a

location made by ex-Governor Pope, because the New Madrid locations covered the land. This was a positive decision in favor of the claims: and further, if the location made by Pope was illegal, how can the locations made by Messrs. Beebee and Ashley be sustained? As to the Commissioner's opinion against the claims, I am not disconcerted, as the land in one instance must be patented to some one, which will give me an opportunity of having a legal decision. Please send the papers as early as possible, if the patents cannot be issued.

I have received but one letter from you since March or April.

Yours, very respectfully,

H. M. RECTOR.

F. S. KEY.

No. 17.

GENERAL LAND OFFICE, *December 3, 1839.*

SIR: In reference to the request of Henry M. Rector, esq., made known in the enclosed letter to you from him, which was deposited in this office in your behalf by Mr. Addison, I herewith enclose papers of the following description, viz:

Patent certificate No. 435, in favor of Francis Langlois, with the copy of the plat connected therewith.

Patent certificate No. 436, in favor of Henry Cockerham, with the copy of the plat connected therewith.

Also, certain papers which were deposited in this office by you, viz:

1st. A power of attorney dated 10th November, 1818, from Langlois to Joseph Story, to locate his claim, &c.

2d. An agreement dated 24th February, 1821, between Joseph Story of the one part, and Samuel Hammond and Elias Rector of the other part, whereby the party of the first part sells to Hammond and Rector the certificate (location) No. 467, issued to Langlois.

3d. An indenture dated 19th February, 1819, between Samuel Hammond and Eliza his wife, of the one part, and Elias Rector of the other, conveying to Rector one undivided moiety of the Langlois certificate and the land located thereby.

Very respectfully, your obedient servant,

JAS. WHITCOMB,

Commissioner.

F. S. KEY, Esq., *Present.*

No. 18.

COLLEGEVILLE, SALINE COUNTY, ARKANSAS,

November 30, 1841.

DEAR SIR: You will find in your office patent certificates for New Madrid claims—Nos. certificates 467 and 156; the first in favor of Francis Langlois, the latter of Henry Cockerham, located in Arkansas; the one covering the Hot springs, the other adjoining Little Rock. During Mr Whitcomb's supervision of the Land Office, I made application for the

Ex.—2

patents to these claims, but was refused on the grounds of a novel decision made by the above-named gentleman, without the concurrence, I think, of any of the other departments of State; and which operates as a total ouster of the practices and decisions both of all his predecessors and of the United States court, before which tribunal the principle involved has been settled repeatedly.

My object in this communication, however, is only to ascertain in what light you regard the decision of Mr. Whitcomb; whether you will see proper to adhere to the practices of your predecessors—Mr. Whitcomb excepted—or whether you will favor the late decision, made upon an *ex parte* hearing, against the repeated decisions of the highest tribunal known to our laws—against rights acknowledged and conceded by the officers of the general government for twenty years or more—against the right of innocent purchasers of the land—and, I am not alone in thinking, against a proper regard for moral honesty on the part of the gentleman who made the decision. The act of Congress authorizing the location of the claims speaks in these words, to wit: “They may be located on any of the public lands of Missouri Territory, the sale of which is authorized by law.” The act passed 3d March, 1811, confers on the President of the United States a general power to sell lands in Louisiana Territory, which district so authorized embraces the land now in controversy, and was included in the district designated by the act aforesaid as the land district north of Red river. That act, and others similar thereto, are, as I conceive, the authority by virtue of which the President now disposes of land in different parts of the Union. Consequently, the land located, and now asked to be patented, has been at all times, subsequent to the date of the act aforesaid, authorized by law to be sold. I say, therefore, the locations were not only made in accordance with the spirit, but also within the letter of the law. My reference to the decisions of the United States court I explain, by saying that that tribunal has decided the Indian title merely usufructuary—the right of use and occupancy, but not an absolute right of property.

My object, however, in this communication, is only to ascertain from you the course you will see proper to pursue in relation to these suspended claims; by answering which inquiry immediately, you will much oblige your obedient servant,

HENRY M. RECTOR,
Collegeville, Saline county, Arkansas.

E. M. HUNTINGTON,
*Commissioner General Land Office,
Washington City, D. C.*

[Note made at the General Land Office.]

In the cases of Peter Porier and Eloi Dejarlois, New Madrid claims, and William Russell, 240 and 241, pre-emptions under act of 1814, conflicting with floats under act of 1834, a decision was made by Mr. Whitcomb on 18th September, 1839, and sanctioned by the Secretary of the Treasury on 24th September, 1839, in favor of the floats, on the ground that the land south of the Arkansas river was not public land, subject to New

Madrid locations or the law of 1814. See Attorney General's opinion May 3, 1836, page 91 of Instructions and Opinions, upon which the decision in regard to pre-emptions under act of 1814 was founded in above cases, and various others, and the groundwork also of the decision in the New Madrid claims since their location was authorized only on land which "is authorized"—that is, "was at the date of the law authorized"—to be sold. See Attorney General's opinion December 4, 1826, page 28 of Instructions and Opinions.

[Note made at the General Land Office.]

Solicitor's opinion 361, dated 24th December, 1841, approved by Commissioner Huntington, confirms the position taken by Commissioner Whitcomb, under opinion of Attorney General Butler, page 91, 2d vol. Instructions and Opinions, in regard to land ceded by the Quapaw Indians, treaty of 24th August, 1818.

No. 19.

GENERAL LAND OFFICE,
December 30, 1841.

SIR: I have received your letter of the 30th ult., referring to patent certificates for "New Madrid claims, Nos. certificates* 467 and 156—the first in favor of Francis Langlois, the latter of Henry Cockerham—located in Arkansas; the one covering the Hot springs, the other adjoining Little Rock." The patent certificates in these cases, with other papers, appear from the records to have been sent to F. S. Key, esq., with a letter from this office of 3d December, 1839.

In other cases it appears that my predecessor, in September, 1839, made a decision which in that month was sanctioned by the Secretary of the Treasury, and which, as a rule of action for this office, renders invalid the location of the aforesaid claims.

The same principle which was involved in another matter has recently been recognised by this office.

Very respectfully, your obedient servant,

E. M. HUNTINGTON,
Commissioner.

HENRY M. RECTOR, Esq.,
Collegeville, Saline County, Arkansas.

No. 20.

WASHINGTON CITY, March 25, 1842.

SIR: Herewith I have the honor to submit the following papers, viz:
1. A power of attorney from Henry M. Rector to James Sevier Conway.

*Location certificates.

2. A patent certificate, No. 435, in favor of Francis Langlois, with a plat and survey.

3. A patent certificate, No. 436, in favor of Henry Cockerham, with a plat and survey.

These papers I request may be filed in your office and be retained there; the papers in the Langlois case subject to my order—the papers in the Cockerham case subject to the order of Henry M. Rector.

When I desire action on the Langlois case, I shall communicate with the department.

Very respectfully, your obedient servant,

J. S. CONWAY.

Hon. E. M. HUNTINGTON,

Commissioner of the General Land Office.

No. 21.

SENATE CHAMBER,

February 28, 1843.

DEAR JUDGE: I am so much engaged that I cannot call up to see you. This will be handed you by Governor Conway of our State, who desires a patent for a tract of land in Arkansas, for which a bill has passed. That bill he will show you; and, as he wants to get off with me on Sunday, I hope you will examine the case and have all things ready for the patent to issue so soon as the bill comes to you. Attend to this, and oblige

Yours, &c.,

A. H. SEVIER.

JUDGE BLAKE, Esq.,

Commissioner, Washington City.

No. 22.

GENERAL LAND OFFICE,

March 1, 1843.

SIR: On yesterday you deposited in this office an act, which you informed me had passed both houses, entitled "An act to perfect the titles to lands south of the Arkansas river, held under New Madrid locations, and pre-emption rights under the act of one thousand eight hundred and fourteen," and applied for a patent to issue (when the act became a law) for the New Madrid location, per location certificate No. 467 of Francis Langlois. This location is on the *Hot springs* of Arkansas.

On examination I find that, by the third section of the act of April 20, 1832, entitled "An act authorizing the governor of the Territory of Arkansas to lease the Salt springs in said Territory, and for other purposes," it is provided "That the Hot springs in said Territory, together with four sections of land, including said springs, as near the centre thereof as may be, shall be reserved for the future disposal of the United States, and shall not be entered, located, or appropriated for any other

purpose whatever." This reservation has actually been made, and properly designated on the township plat. It will be perceived that the second section of the act presented by you provides, "That in all cases in which the locations so made on the south side of the Arkansas river may have been sold, and the lands thus located under the act aforesaid have been appropriated by the United States, the owners of the warrants issued under the provisions of the act aforesaid (1815) shall have a right to enter elsewhere, under restriction as to time."

Now it is considered that the act of 1832 has imposed such a restraint, by *reservation* of these springs, as to exclude them from the operation of the act filed by you; and on this ground your application for a patent, it would seem, cannot be complied with. It appears, also, that land covered by the said New Madrid location has been claimed under the pre-emption act of 1814 by the widow and heirs of John Perciful, deceased; also under the pre-emption act of 1830, by L. Belding.

The Perciful claim was decided against on the ground that it is south of the Arkansas river, in a tract of country ceded subsequent to 1814 by the Quapaws.

The difficulty on *this score* would be removed by this act, but still the claim is considered barred by the aforesaid act of 1832.

If it were not barred by that act, it would seem to have precedence by *priority* to the New Madrid claim, and on that ground, also, the latter would be inadmissible. The aforesaid pre-emption claim, under the act of 1830, was rejected in view of *the said act of 1832*; and if that act of 1832 did not apply to the said pre-emption claim under the act of 1830, the claim under the act of 1830 would prevail, (if found regular in all other respects,) on the ground of prior validity, both against the pre-emption claim of 1814 and the New Madrid location, since it was on lands which had been ceded by the Quapaws prior to the act of 1830.

You will observe, then, that the objection to the pre-emption cases is equally applicable to the New Madrid location, and if that objection did not obtain against those claims, then the pre-emption of 1830 (if valid in other respects) would prevail against the New Madrid location.

From what appears in the foregoing, it will be seen that this office is not authorized to patent this New Madrid location. Provision, however, is made for it in the second section of the act, as herein before mentioned.

Very respectfully, your obedient servant,

THO. H. BLAKE, *Commissioner*.

Governor J. S. CONWAY, *Present*.

No. 23.

LITTLE ROCK, ARKANSAS,
March 4, 1845.

Sir: As your department has, from time to time, refused me the patent in the case of the New Madrid claim in favor of Francis Langlois, located south of the Arkansas river, township 2 south, range 19 west, I am induced, to take other means to perfect the title, and wish, therefore, to procure all the evidence of title in my power: amongst which is the *patent certificate*, which, I presume, is on file in your office, the same having been issued

by F. R. Conway, esq., recorder of land titles for Missouri Territory, and bears date, perhaps, in the spring of 1838. This certificate was, about the period of its issuance, transmitted by me, together with other papers in the case, to the then incumbent of the Land Department, and has so remained up to this time. As the certificate is regarded by you as invalid and of no effect, I hope you will be so good as to direct its enclosure to me *immedia'ely*, as I shall experience a pressing necessity for it as soon as it can possibly reach me by ordinary course of mail. You will confer a great favor, sir, by complying with this request at the very earliest period. If, however, there seems to be any objection to returning the *certificate itself*, you will be pleased to direct a *certified copy* of the same to be forwarded to me.

I am, sir, very respectfully, your obedient servant,

HENRY M. RECTOR.

HON. THOMAS H. BLAKE,

*Commissioner General Land Office,
Washington city, D. C.*

No. 24.

WASHINGTON CITY, March 31, 1845.

SIR: I have received a communication from Henry M. Rector, esq., who is a claimant to the Hot springs in Arkansas under a New Madrid location, who requests the return of the certificate issued by the recorder of land titles in Missouri, in order that he may prosecute his claim before the Supreme Court. On examination, it seems this certificate was filed by Governor James S. Conway, subject to his order.

Governor Conway is my relative, and I will remark that I think it would not be objected to by him were you to forward the said certificate to the register of the land office at Little Rock, subject to his order. I have no doubt but that Mr. Rector and Governor Conway act in concert on this subject, and I do not think he would have applied for the return of the certificate were it not satisfactory to Governor Conway.

Very respectfully, your obedient servant,

WM. PELHAM.

THOS. H. BLAKE, Esq.,

Commissioner of the General Land Office.

No. 25.

GENERAL LAND OFFICE,

April 14, 1845.

SIR: I have received your letter, dated the 4th and postmarked the 6th ultimo, desiring the return to you of the patent certificate for the Francis Langlois New Madrid location, or, if there is any objection to returning the certificate itself, requesting a certified copy of it.

The patent certificate, No. 435, (L. C. No. 467,) in this case, with a

copy of the "location plat" and "survey," was deposited in this office, with a letter, dated March 25, 1842, subject to his order, by J. S. Conway, who afterwards requested that they might be delivered to William Field, of Arkansas, if he should require them.

This New Madrid location being on the Hot springs, is regarded by this office as *invalid*, because those springs are *reserved*, pursuant to the third section of the act of April 20, 1832, entitled "An act authorizing the governor of the Territory of Arkansas to lease the salt springs in said Territory, and for other purposes," which has imposed such a restraint, by *reservation* of those springs, as to exclude them from the operation of the act of Congress, approved March 1, 1843, entitled "An act to perfect the titles to lands south of the Arkansas river held under New Madrid locations, and pre-emption rights under the act of one thousand eight hundred and fourteen."

In view of all the circumstances of this case, I have concluded to send you a certified copy of the aforesaid patent certificate and plat, with a note appended to them, as follows:

"NOTE.—The New Madrid location referred to in the foregoing copy, appearing to be on the Hot springs of Arkansas, is regarded by the General Land Office as *invalid*. These springs, having been *reserved*, pursuant to the third section of the act of Congress, approved April 20, 1832, entitled 'An act authorizing the governor of the Territory of Arkansas to lease the salt springs in said Territory, and for other purposes,' are held by the General Land Office to be excluded from the operation and effect of the act of Congress, approved March 1, 1843, entitled 'An act to perfect the titles to lands south of the Arkansas river held under New Madrid locations, and pre-emption rights under the act of one thousand eight hundred and fourteen.'"

Very respectfully, your obedient servant,

THOS. H. BLAKE,
Commissioner.

HENRY M. RECTOR, Esq.,
Little Rock, Arkansas.

No. 26.

LITTLE ROCK, ARKANSAS, April 23, 1845.

SIR: Some weeks since I addressed you, accompanied with a request of some earnestness, to the end that I wished the *patent certificate* issued by F. R. Conway, recorder of land titles, &c., to the legal representatives of Francis Langlois, for 200 arpens of land located south of the Arkansas river, and known as a New Madrid claim, No. of certificate 467, transmitted to me at the earliest period in the convenience of your honor.

Sufficient time has now elapsed, (allowing for all necessary delay for the paper to have reached this place,) but I have not only received no certificate, but nothing in reply to my communication has been, up to this time, received.

From an interview with my friend, General William Pelham, of this city, who has reached home from Washington, I learn that you have entirely misapprehended the relative position existing between Governor J.

S. Conway and myself. Governor C. was, in the authority exercised in this case, the agent merely of the undersigned, who is the exclusive owner of the claim. I cannot conceive, therefore, why the state of facts represented by General Pelham should exist, as I presume it cannot be held by your honor that the *agent* under any circumstances becomes superior to the principal; yet it seems that in this case you have predicated your course upon such a belief as above. I assure you that J. S. Conway has no interest in, or control of, the claim in question, and I deem it most extraordinary that your department should think proper to withhold the certificate, when my name alone as the owner has been coupled with it from its incipiency to the present time. If Mr. C. has at any time represented himself in any other light than that of an *agent* for me, you will please, in your response to this, say at what time, and by what authority; but I apprehend that no such pretensions have ever been made by Governor C., as he was induced to act the part he did in consideration of the relationship existing between us.

Thus much I hope, sir, will be sufficient to apprise you of the position occupied by Governor Conway in connexion with the New Madrid claim of *Francis Langlois*; and I repeat, that I am the *sole owner or claimant by inheritance* of the same, and that none other than myself has or is entitled to an iota of its management or direction. I hope, therefore, that on the receipt of this you will unhesitatingly transmit the original patent certificate to me at this place; and I deem it proper to remark, that in consequence of your unnecessary delay, I have been compelled to ask of the court before which the claim is for adjudication a continuance to the next term, (one year hence,) which not only occasions vexatious delay, but draws after it a considerable bill of expense to be discharged by the parties who were applicants for such continuance. You will readily perceive, then, the important relation which this certificate bears.

I presume there can no question arise in the mind of your honor as to the right of the *proper owner* of a patent certificate to withdraw it upon the refusal of the department to issue a patent upon the same, for it is only where the patent is *issued* that the government claims the right to the patent certificate; and until the patent is issued, which supersedes the certificate, the ownership is unquestionably in the claimant to the land.

Very respectfully, your obedient servant,

HENRY M. RECTOR.

COMMISSIONER GENERAL LAND OFFICE,
Washington city, D. C.

No. 27.

GENERAL LAND OFFICE,
May 14, 1845.

SIR: Your communication of the 23d ultimo has been received in regard to the Langlois certificate, an exemplification embracing which, as also the plat, I find was sent to you by my predecessor on the 14th ultimo.

From your letter of the 4th of March last it is presumed the exemplifi-

cation referred to will suffice. In case it has not reached you, be pleased to advise me.

Very respectfully, your obedient servant,

JAS. SHIELDS, *Commissioner.*

HENRY M. RECTOR, Esq.,
Little Rock, Arkansas.

No. 28.

LITTLE ROCK, ARKANSAS,
May 28, 1845.

SIR: Yours of the 14th instant has been received, stating that an exemption of the plat and a patent certificate in the Langlois case had been enclosed me by your predecessor.

The papers alluded to have, since the date of my last letter, been received, but they are accompanied with an *ex parte* opinion, hatched out by some of your honorable predecessors, touching the validity of such location.

I am at all times prepared to yield to any rules of action that may be adopted by your department, so long as their *influence* is confined to their proper sphere; but I protest most solemnly against being drenched with them before every and any tribunal before which I may desire to appear for the defence of my rights.

I ask most respectfully, then, sir, that I be furnished either with the original patent certificate, or a certified copy, unaccompanied by the posthumous opinions of Mr. Blake or others.

Enclosed you will please receive the papers forwarded me by Mr. Blake, which I hope you will remodel, or prepare them anew in the form requested. And if, perchance, these "regards" of the General Land Office in reference to the claim in question should in future be desired by me, as important in the prosecution of my suit or other proceedings, I will, with promptness, refer to that ex-Commissioner for its production.

I am, sir, very respectfully, your obedient servant,

HENRY M. RECTOR.

HON. JAS. SHIELDS,
*Commissioner of the General Land Office,
Washington city.*

No. 29.

GENERAL LAND OFFICE, *July 5, 1845.*

SIR: Pursuant to your request, I have the honor to enclose herewith a certified copy of patent certificate No. 435, and the plat, &c. connected therewith, for the Francis Langlois New Madrid location claim, (L. C. 467.)

This document, you will perceive, is unaccompanied by the "note"

appended to the transcript certified by my predecessor and returned by you. I respectfully inform you, however, that as this is a case in which the interests of the United States might be affected in any judicial proceedings which may be instituted in regard to it, I have deemed it a duty to furnish the Solicitor of the Treasury with information on the subject.

Very respectfully, your obedient servant,

JAS. SHIELDS, *Commissioner.*

HENRY M. RECTOR, Esq.,
Little Rock, Arkansas.

No. 30.

GENERAL LAND OFFICE, *July 5, 1845.*

SIR: Pursuant to the act of Congress approved 17th February, 1815, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes," a certificate (No. 467) of new locations for two hundred arpens, it appears, was issued November 26, 1818, by the recorder of land titles at St. Louis, Missouri.

With this certificate a location was made in township two south, of range nineteen west, Arkansas, on what are known as the "Hot springs," situated in Hot Spring county, Arkansas.

In reference to said location, I herewith send the following papers, viz:

1st. A certified copy of patent certificate No. 435 of the recorder at St. Louis, Missouri, with a plat, &c., for said location.

2d. A certified diagram exhibiting the said location, and the lands around which are reserved by the fourth section of the act of 20th April, 1832.—(Acts 1832, p. 37, chap. 70.)

3d. A certified copy of a letter dated March 1, 1843, from this office to Governor J. S. Conway, in answer to the application of that gentleman for a patent for said claim under the act of Congress which was approved 1st March, 1843, entitled "An act to perfect the titles to lands south of the Arkansas river held under New Madrid locations, and pre-emption rights under the act of 1814;" in which letter, you will perceive, it was held, for reasons stated, that this office was not authorized to issue a patent for said location.

4th. A certified copy from the record of a letter dated February 29, 1844, from this office to the Secretary of the Treasury.

5th. A certified copy from the record of a letter dated June 5, 1844, from this office to the Hon. Wm. Woodbridge, of the Committee on Public Lands, Senate of the United States.

6th. A certified copy from the record of a letter dated 14th April last, from this office to Henry M. Rector, transmitting him a certified transcript of said patent certificate, plat, &c., with a note appended thereto, *a copy of which is embraced in that letter.*

Mr. Rector has, however, returned the transcript, desiring one unaccompanied by the "note" alluded to. The desired copy I have concluded to furnish him; but, in my letter of this date transmitting it, I have informed him that, as this is a case in which the interests of the United States might be affected in any judicial proceedings which may be

instituted in regard to it, I have deemed it a duty to furnish you with information on the subject, which is the object of this communication and enclosures.

Very respectfully, your obedient servant,
JAS. SHIELDS, *Commissioner.*

HON. S. BARTON,
Solicitor of the Treasury.

No. 31.

HOT SPRINGS OF ARKANSAS,
September 18, 1847.

DEAR SIR: I suppose that by this time you have forgotten me entirely; and, as I am about to ask of you a great favor, I will mention that I had the pleasure of making your acquaintance by means of a letter of recommendation from J. R. Knox, esq., of New York.

I am desirous of laying out my limited means in the partial purchase of these springs. In order to avoid the chances of losing, (as I did by the failure of the Brandon Bank,) I take the liberty of writing to you, hoping that you will do me the favor of finding out matters connected with the title.

Those at present in possession are willing to dispose of their claims; but as I have understood that the title is still subject to a legal decision, I am unwilling to venture to purchase before learning the facts.

My health is now far from good; and I fear I am crippled for the remainder of my life in consequence of the breaking out of a wound in my ankle which I received whilst in Poland, in battle. This, added to rheumatism, compels me to stay here, and is one of my objects in desiring to buy a part of these springs. In doing so, however, I must be careful to not lose the little that remains to me, as in my present condition I will never be able to repair such a loss.

I have, therefore, presumed to trouble you with my affairs, believing that you would be willing to thus far assist an exiled stranger, who knows not, in fact, to whom else to apply.

With a high appreciation of your past kindness to me,

I am, very respectfully, your obedient servant,

A. PRONIEWSKI.

HON. R. J. WALKER,
Secretary of the Treasury, Washington, D. C.

P. S.—Please write me, in answer, at Woodville, Mississippi.

I understand that there are three claims upon these springs—the original Spanish, one of pre-emption, and a reservation of Congress.

A. P

No. 32.

GENERAL LAND OFFICE,
October 13, 1847.

SIR: Your letter of the 18th instant to the Secretary of the Treasury has been referred to this office, relative to the title to the Hot springs, in Arkansas, in reference to which you remark, that you "understand that there are three claims upon these springs—the original Spanish, one of pre-emption, and a reservation of Congress."

In relation to your inquiry, I have to inform you that this office has recognised no claim as valid to said springs, either Spanish or by pre-emption, but that the land embracing them is *reserved* "*for the future disposal of the United States*," pursuant to the act of Congress, approved April 20, 1832, entitled "An act authorizing the governor of the Territory of Arkansas to lease the salt springs in said Territory, and for other purposes," the third section of which act is to the following effect:

"*And be it further enacted*, That the Hot springs in said Territory, together with four sections of land, including said springs, as near the centre thereof as may be, shall be reserved for the future disposal of the United States, and shall not be entered, located, or appropriated for any other purpose whatever."

Very respectfully, your obedient servant,

RICHARD M. YOUNG,
Commissioner.

A. PRONIEWSKI, Esq.,
Woodville, Mississippi.

No. 33.

WASHINGTON CITY,
February 14, 1848.

SIR: By the act of March 1, 1843, the New Madrid claims and pre-emption claims of 1814, south of the Arkansas river, were placed upon the same footing, and relieved from the difficulty relating to the non extinguishment of Indian title over the lands of that region. All that I can state as to the intention that governed at the time the act passed, I have derived from the late Senator Sevier. During last session I had occasion to examine this matter, and Colonel Sevier repeatedly told me that the act referred to was expressly intended to remove, and on any just interpretation did remove, all obstacles arising from Indian title, and had direct reference to the claims laid on the Hot springs, in Arkansas. Of the truth of his statement I presume none would doubt. I have no doubt of it myself.

I have the honor to be your obedient servant,

R. W. JOHNSON.

HON. R. J. WALKER,
Secretary of the Treasury.

No. 34.

GENERAL LAND OFFICE, *May 8, 1848.*

A warrant, or New Madrid location certificate, No. 467, under the New Madrid or earthquakes law of February 17, 1815, was located on the 27th January, 1819, by Samuel Hammond and Elias Rector, upon the site of the "Hot springs" in Arkansas, on the south side of the Arkansas river.

The act of February 17, 1815, *only* authorized locations on lands the sale of which was *then* permitted by law. The Indian title to these lands was not extinguished until by the treaty concluded on the 24th of August, 1819, with the Quapaws; consequently the sale of this land was not authorized at the date of the act of February 17, 1815, as required by its provisions, and this tract, including the "Hot springs," was therefore not subject to the New Madrid location; and the location, as a matter of course, illegal and void.

By the 3d section of the act of April 20, 1832, it is provided that the "Hot springs," with four sections of land, including said springs, as near the centre as may be, should be reserved for the future disposal of the United States; with the provision that the same should not be entered, located, or appropriated for any purpose whatever.

The reservation by this act shows that the location of the New Madrid certificate, on the 27th January, 1819, was considered as illegal at the time it was made, and so far the location was of no more validity than if it had not been made at all.

But it is contended that this location was confirmed by the act of March 1, 1843, which provides that certain locations of New Madrid certificates, under the act of February 17, 1815, are perfected into grants in like manner as if the Indian title to the lands on the south side of the Arkansas river had been extinguished at the time of the passage of the said act. Surely this remedial act was not intended, in these general terms, to apply to a case where there had been an express reservation by law, with the positive provision that the lands thus reserved should not be entered, located, or appropriated, for any purpose whatever. This opinion I consider as fully sustained, if a doubt could exist upon the subject, by the decision of the Supreme Court of the United States, made at January term, 1839, in the case of *Wilcox vs. Jackson*, page 513. In that case, the court says: "That whensoever a tract of land shall have been legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of the public lands; and that no subsequent law, or proclamation, or sale, would be construed to embrace it, or to operate upon it, although no reservation were made of it." In the case of the "Hot springs," there was not only a reservation in express terms, but that reservation was accompanied with the declaration that the lands thus reserved should not be entered, located, or appropriated for any purpose whatever. The lands thus reserved have been marked on the township plat as *reserved lands*, not subject to sale, location, or other appropriation. I am therefore of opinion that the claim of Hammond and Rector, or parties claiming under them, to the lands in question, embracing the Hot springs, for the reasons above mentioned, is untenable, and that the same are to be regarded as a special reservation,

under the act of April 20, 1832; subject alone to future disposition by Congress.

RICHARD M. YOUNG,
Commissioner.

No. 35.

GENERAL LAND OFFICE,
January 8, 1849.

SIR: Pursuant to your request, I herewith transmit, 1st, an extract of a letter dated September 18, 1839, from Commissioner Whitcomb to the Secretary of the Treasury; 2d, a copy of my decision of the 8th May, 1848, respecting the Hot springs reservation in Arkansas.

Very respectfully, your obedient servant,

RICHARD M. YOUNG,
Commissioner.

HENRY M. RECTOR, Esq., *Present.*

No. 36.

GENERAL LAND OFFICE,
January 25, 1849.

SIR: On the 22d instant I had the honor to receive from you a printed copy of your argument, and of the opinion of Richard S. Coxe, esq., in relation to the *Hot spring* location of the New Madrid claim of Francis Langlois, certificate No. 467, and have the honor to advise you that, on examination of the same, I do not find therein any *evidence* or legal *points* which had not been before the department prior to the rendition of the decisions of this office against the validity under existing laws of said location; and therefore, without entering into a review or decision of your averments, that I feel constrained, so far as the action of this office in the premises is concerned, to let the matter rest where the official decisions have placed it, of the 1st March, 1843, and 8th May, 1848, copies of which I understand you have obtained.

As the Hon. S. Borland has referred to me your memorial for such further information as I may be able to communicate, I shall return the same to that gentleman with a printed copy of your argument, of Mr. Coxe's opinion, and a transcript of this letter.

Referring to the last paragraph of your memorial, I beg leave respectfully to add, that I have no recollection of having perused the bill which accompanied it until its receipt here with that memorial, accompanied by a letter of the 18th instant from the Hon. S. Borland; and that when, in any case, a bill by request of a party is drawn here, merely as a matter of accommodation, the assent of this office to it, or its recommendation of the same, is never to be implied or understood, unless expressly so stated in an official communication.

Very respectfully, your obedient servant,

RICHARD M. YOUNG,
Commissioner.

HENRY M. RECTOR, Esq., *Present.*

No. 37.

Argument submitted to the Hon. R. M. Young, Commissioner, &c., relative to New Madrid claims south of the Arkansas river, by Henry M. Rector.

HON. RICHARD M. YOUNG:

In compliance with your suggestion, I shall briefly state my views in reference to the New Madrid claim, in the name of Francis Langlois, located by Hammond and Rector, on the Hot springs of Arkansas, some time in 1818 or 1819, I think, and now alleged by me as the heir of said Rector, deceased.

This claim, for many years, owing to the local attraction in that region of country, lay dormant, and was not pressed because no survey could be obtained of the location, and, consequently, no patent certificate could be issued.

In the year 1837, perhaps, I obtained the survey of the surrounding country, by the appropriation of some of my individual means to compensate the surveyor for the extraordinary pains and labor required to accomplish the work.

This done, I procured from the recorder of land titles for Missouri Territory a patent certificate, and made application to Mr. Whitcomb (the then Commissioner) for a patent.

After a thorough examination of the papers my claim was determined to be valid, provided that a pre-emption, preferred by the heirs of John Perciful, did not prove regular and take precedence by priority.

On the part of the attorney of said heirs a caveat was filed, until they might procure testimony in support of their claim; and, on the failure of these persons to substantiate their pre-emption, a patent was promised Mr. F. S. Key, who was then my attorney.

Previous, however, to the lapse of time, at the end of which the caveat was to expire, Messrs. Ashley and Beebe located the entire *city of Little Rock* (then held by *New Madrid* claims and *pre-emption rights* under the act of 1814) by virtue of floating pre-emptions, or five-section claims, as they are called. And upon the issue being made between the *New Madrid claims* and the pre-emption or five-section claims, the Commissioner (Whitcomb) decided in favor of the floats and against the New Madrid claim, upon the ground that the Indian title to the land upon which was located the New Madrid claim was not, at the "*date of the act*," extinguished.

This opinion is supported by the allegation that the wording of the New Madrid act of the 17th February, 1815, has reference to the *date* of the *act* in prescribing the mode by which the location shall be made, and not the date of location; for, if the language there used was conceived to point to the *date* of the location, then would the New Madrid claims have maintained their position, and been of unquestionable validity, as they were, in all cases, made *subsequent* to the treaty with the Quapaw Indians.

What do we find to be the wording of the act of 1815? It is, that these New Madrid sufferers, or their legal representatives, shall locate a like quantity of land, of any of the land of the Missouri Territory, "*the sale of which is authorized by law.*" Upon the words underscored arises the diversity of opinion—"the sale of which is authorized by law." What

means this; and why insert this provision in the *act*? Let us inquire, first, as to what is the ordinary import of the language used or employed; and, secondly, why it became necessary for the protection of the interests of the government that the term, "*the sale of which is authorized by law*," should be employed on this occasion.

In response to the first interrogatory, I will adhere to that well-settled principle, applied in the expounding of all legislative enactments, to wit: to declare that to be the law which was the intention of the law-giver at the time.

Now, no one will, I presume, assert that the United States, on the 17th February, 1815, could not have sold to any other government, or individuals of her own government, the land on the south side of Arkansas river, notwithstanding it was then *occupied* by the Quapaw Indians.

If this be conceded, which I presume no one will attempt to controvert, then it would seem to follow that the land, although thus occupied, was not intended, nor is interdicted as against the New Madrid sufferers, by the act of the 17th February, 1815.

It is held that no sale or location ought to be made of lands in the Indian territory because of the injury and intrusion offered to the Indians. But the location made was subsequent to the treaty; the reason there failed, and so ought the law, as no advantage is derived for the government by superseding one set of claims to give place to another.

The doctrine has been repeatedly declared by the Supreme Court, that the Indians have only an usufruct, and no part of a legal title; and particularly would this seem to be correct doctrine when applied to any portion of the country ceded to the United States by the French government; for this portion of our territory was not, like many, or indeed most other portions, acquired by conquest from the Indians and others, but was procured by treaty from a competent government for a good and valuable consideration. And again, by reference to the 6th article of the treaty of 1803 with the French government, an especial allusion and provision is thereby made and agreed upon for the protection of, and for the purpose of specifically defining, the rights and immunities of the Indian tribes, amongst whom were found these Quapaws.

And what concessions are there made by the government of the United States, and what asserted by the French government? Only "that the United States promise to execute such treaties and articles as may have been agreed between *Spain* and the *tribes* and nations of Indians, until, by mutual consent of the United States and the said tribes or nations, other suitable articles shall have been agreed upon."

To ascertain what privileges and rights were guarantied to the Indians by the United States in virtue of the article above alluded to, it will only be necessary to advert to the regulations and usages of the Spanish government, exercised for the protection and advantage of the Indian tribes within the limits of the Spanish domain previous to and at the date of the treaty embracing the article or provision here alluded to. From indisputable authority, I ascertain those immunities to have been in respect to the right or occupancy of the soil; that within the *limits of the Indian villages* they were permitted to appropriate the soil to their exclusive benefit or use for the time of actual occupation; but in no case was it ever conceived by the Spanish or French government that these wandering savages had the least semblance of a title to the country at

large known as Louisiana; for, if so, the treaty with France or Spain is quite a nullity and dead letter on our statute book. And is not the acknowledged position of the Indians easily ascertained by reference to the 6th article of the treaty just cited? There we find the character of that claim specifically agreed upon by both governments, and the claim so acknowledged falling very far short of a legal title to the soil.

And further, had the Indians possessed the high grade of title now claimed for them under the opinion of Mr. Whitcomb, there would have been no necessity for making any provisions for them; as, under that view of the case, they would have been entirely competent to have enforced such treaties and regulations as their interests or fancies demanded.

Then it would seem that, by the solemn acts of our own government and those of France and Spain, the title of the Indians was only a *sufferance*, and no title at all; we may infer, therefore, that our government, occupying this position, did not intend to exclude the New Madrid sufferers from this portion of Missouri Territory, by using the term "*the sale of which is authorized by law*;" for the power to sell was given to the President previous to the treaty, and was in nowise enhanced thereby.

But it will perhaps be asked, what was the reason for the use of the expression, "the sale of which was authorized by law?" To ascertain this fact conclusively we must recollect that, first, under our land system a general provision is made by which the President of the United States is empowered to have surveyed and sold any lands within the limits of the district, except some portions and particular localities. These are exceptions; these are not *authorized* to be *sold*, but specifically reserved. What are these interdicted and reserved portions? Salt springs, lead mines, school lands, &c., &c.

The sale of these is not authorized by law; therefore the necessity of the proviso, in the act of 1815, to protect these reservations; for suppose the law had read, "on any lands of Missouri Territory,"—that would have included all reservations; therefore the necessity of the proviso, and the decided intention of Congress in so framing the law; and it seems clear that no reference whatever was meant to the occupant title of the Quapaw Indians.

Mr. Wm. Wirt, in an opinion delivered as Attorney General, says in substance, "to ascertain what lands are meant by the term 'the sale of which is authorized by law,' it is only necessary to look to the law authorizing the President to *sell the public domain*, deduct therefrom those tracts reserved, and you have the portion indicated."

The land covered by the New Madrid claim was not reserved, nor interdicted in any way, at the date of the act of 1815; and I believe was properly subjected to the New Madrid location, as is pretty well established by the fact that many more claims of the same character were located *south of the Arkansas river, and patented without encountering an objection*. For, although the Hot spring claim, and some one or two others in the vicinity of Little Rock, were adjudged to be invalid or irregular, many others, similarly situated, have long since been perfected, and the owners left in quiet possession of the property.

Nearly a quarter of a century had elapsed, during all of which time New Madrid claims south of Arkansas river were accredited by the government.

Many persons had invested their means in them, as the United States then urged no objection to the claims, and by patenting them repeatedly acknowledged their validity.

Upon the emanation of the opinion of Whitcomb, the rule of action was suddenly changed, and all New Madrid claims south of the Arkansas river declared to be void.

Upon the suggestion of the late Mr. Francis S. Key, who was in this my legal adviser, I procured through my friends in Congress, after repeated efforts for several years, the passage of a supplemental act removing, as it was universally believed, the only *objection* urged by the department to the New Madrid location.

Several amendatory acts had already been passed on this subject, and it was fairly deducible that Congress would again consent to relieve the few claims of this character, which were as meritorious as any, of a technical objection, one founded in no good result, either to the government or to individuals; but, on the other hand, attended with many inconveniences and hardships to those whose titles had not been patented.

The relief sought for was again granted; and the act of the 1st of March, 1843, was supposed, and is still maintained to be, amply sufficient to remove the objection urged by Commissioner Whitcomb on the grounds of Indian title, &c., &c. And I most unhesitatingly assert that I have never, up to this period, conceived how Commissioner Blake could conscientiously avoid the effects of so direct and positive an injunction as is imposed by the first section of the law of 1843.

What were the circumstances under which the law was enacted? What were undoubtedly the reasons for the passage of the law, and what is its plain and simple import?

The circumstances have already been related, the reasons for the passage of the same assigned, and the references plain and not to be mistaken.

Is it necessary, after the above relation of facts, to offer any additional evidence of the intention of Congress in passing the law? I think there can be no question on this head.

But I will add some few testimonials in favor of this, to my mind, already incontrovertible position, to wit: that the framers of the law intended it *specifically* and *exclusively* for the confirmation of the Hot springs or Langlois claim. I mean the first or confirmatory section.

That this section of the act must have reference to some case or cases of the New Madrid locations *south* of the Arkansas river, is too plain to be questioned.

Then the inquiry arises, what claim or case has this reference to? Can we say, to none at all; and that those who passed the law knew not what they did, and were laboriously employed without, forsooth, even having an object in view? This would be to ascribe to the Congress of the United States a want of that common-place ability which is universally possessed by every rational creature. Then this law must mean something; must have been enacted for some purpose; and that purpose is just as plain and evident as the noonday sun.

I assert, without fear of successful contradiction, that the act of the 1st of March, 1843, was passed in direct reference to the New Madrid claim on the Hot springs, and was so understood and known to be, by persons

in and out of Congress, and all were astonished at the unexpected and extraordinary position assumed by the Commissioner on application by Governor J. S. Conway for the patent.

And why is this act exclusively referable to the Langlois claim with such a degree of certainty?

For the reason that it is the only isolated case or claim south of the Arkansas river that had not either *been already patented, or the title granted or sold by the government at the date of the passage of the act.* This fact may be clearly ascertained by reference to the proper department in your office.

What does the first section assert? That the locations on the south side of the Arkansas river, &c., &c., "shall be perfected in grants."

This additional character, or perfecting into grants, could only be exercised by Congress, when the title of the land located still remained, or still was in possession of the government at the date of the act. Nothing else will be contended; nothing more asked at the hands of the claimants, as nothing more by possibility could be given. Then let me propound the interrogatory, "*Was the title to the land covered by any other New Madrid claim south of the Arkansas river, except the Langlois claim,*" in the United States on the 1st of March, 1843? I answer, that it was not; that no other case on that day, or for some time previous, was in a position that could be affected by the first section of the act. Wherefore, it is unquestionably true that the Hot springs claim was only and alone referred to by the first section of the act of 1843.

For my position that the title had previously passed to the land covered by every other New Madrid claim, except that in favor of Langlois, on the 1st of March, 1843, I have only to refer you to your own department, when it will be seen that all others had been either patented or set aside, and the land sold or located, and owned by individuals, not by the government.

Thus the conclusion seems irresistible that the first section of the act could only operate on the Langlois claim; the title to that land *only*, of the claims designated, being in the government at the passage of the act.

I will, however, for the sake of a *conclusive* illustration of this point, cite you to the condition of each individual *New Madrid claim*, "*south of the Arkansas river,*" on the 1st March, 1843.

First, then, we will take three claims lying on and contiguous to the city of Little Rock, to wit: the Degarlos, the Poirer, and the Cockrame claims. What is their condition on the 1st of March, 1843? The land embraced by the two first was located by Messrs. Ashley and Bebee with floats, and *patented* some four or five years previously, the New Madrid claims entirely *superseded* and *abandoned*, and a complete and *legal title* passed to *individuals*, by purchase or otherwise, by the general government.

And what as to the Cockrame claim? That we find covered also by the *five-section floats* located by Ashley and Bebee, which locations were sustained and *confirmed* by the *department* as early as 1837 or 1838, and are held beyond all question to be *good*, and so acted upon up to this instant.

The floats in this case have not been *patented*; but why? Because, that by the opinion of the Attorney General a patent is not necessary to pass the *legal title*, when, by the terms of law, a grant is created, and a patent not expressly required. And by this opinion a *complete* title is held to have passed in 1837 or 1838 to the land in question.

Next in order I will cite the condition of the Dorlac claim. Of this I am not so familiar, but am sufficiently well advised to say that a patent issued in the year 1836, by which a legal title is esteemed to have passed; for although patents at this day are accredited only as *prima facie*, yet I feel confident that as late as the year 1843 the Land Department universally acknowledged the efficacy of patents when they were *fairly obtained*. And I know of no case up to that period in which a patent was cancelled, if properly secured, because of a subsequently different interpretation of the law.

But allowing that the patent in the Dorlac case did not complete or pass a title to the land, it is sufficient for my purpose to assert the fact, that the individuals claiming had, by pre-emption or otherwise, placed themselves in such a position as not to *require* the aid of the *first section* of the act of the 1st of March, 1843; and sought not, nor were they instrumental in its passage, and have neither asked nor received any benefits from its enactment.

The case which next falls under our observation is that of Benjamin Foy. From the memoranda I have before me, the date of patenting is not given; but a patent in this case has also been issued, and, from my recollection of the circumstance, it will be found to bear date in the year 1836 or 1837; but at least it is many years previous to the 1st of March, 1843. And whether the claimants rely upon the patent or not, certain it is that they were secured by some of the various pre-emption laws enacted previous to 1843, and needed not the provisions of the act of the 1st of March to protect them in their rights; at all events, not the shadowing wing of the first section.

And again, if my memory is not treacherous there are, perhaps, some two or three additional claims "south of the Arkansas river;" but not being able, from the plats in your office, to obtain a detailed account of them, I shall be unable to allude to them so specifically as I would like. I will content myself with asserting that, upon examination of their condition, it will be found that, previous to the year 1843, a good and legal title had passed from the government, and that they neither required the assistance of the act of the 1st of March, nor were they in such a condition as would make it possible for the act to affect or refer to them, as the government had previously passed a full and complete title, when, of course, nothing further was left to be done.

From the exhibition of the above facts, then, it seems to be conclusive that the Langlois or Hot spring claim was the only one the condition of which could have been materially changed or improved by the act of the 1st of March, 1843. Hence we must, of necessity, conclude that the framers of the law held that claim in their mind's eye on its introduction and passage; for, upon examination, we have ascertained that to the land embraced by that location only had the United States retained her title, and of course would not labor to give away that which had already passed.

I hold it to be incontrovertible, therefore, that the Langlois claim is entitled, justly entitled, to the remedial provisions of the first section of the act.

In your opinion of the 8th May, in adverting to the reservation act of 1832, you remark that "the reservation by this act shows that the location of the New Madrid certificate, on the 27th of January, 1819, was con-

ndered as illegal at the time it was made, and, so far, that the location was of no more validity than if it had not been made at all."

From this opinion I must most respectfully beg leave to dissent, and confidently hope, by a simple narration of facts in connexion with this circumstance, to be able to induce you to so modify your opinion as that you will not henceforward so regard the act of 1832 as will require it to amount to an absolute or even partial denial of the merits or validity of the location under the act of 1815.

You will bear in mind, as I have stated in some previous clause of this argument, that the claim, as located by Hammond and Rector, because of insurmountable difficulties, was kept in the background from the date of its location up to the years of 1837 and 1838; that the country contiguous to the claim was not until within a late period surveyed, and, remaining in that situation, no connecting plat or patent certificate could be procured for it, which precluded any action upon it in any way. The then delegate in Congress, H. W. Conway, perhaps lost sight of the existing claim, or, perhaps, not being in possession of the reasons that impeded its progress, came hastily to the conclusion that the float had been lifted, superseded, or otherwise rendered inoperative, and thus became induced to insert the provision as against any subsequent individual claims that would have grown up under the repeated acts granting pre-emptions to settlers on the western lands.

Or it may be that Mr. Conway himself was familiar with the circumstance that many, very many, of the earthquake claims were superseded, because of the spuriousness of the original *certificate of location*, and deemed it proper that, if such should be the result of the claim then alleged to the property, some provision be made which would exclude the springs from the operation of *subsequent locations* or purchase, for I apprehend that Mr. Conway was fully apprized that no law of 1832 could by any means tarnish or invalidate rights established under the act of 1815.

And again, a very valuable interest, at that time held and confidently relied upon by Mr. Conway, in the city of *Little Rock*, in virtue of the *New Madrid* locations, known as the Degarlos and Prier claims, together with the near relationship that existed between Elias Rector (one of the owners of the Langlois claim) and the honorable delegate, forbids the presumption that he considered the Hot spring claim a mere nullity, or, in other words, that he would willingly have originated any law to be quoted as an express condemnation of the claim in question.

And I beg leave further to remark that such could not have been the construction of Mr. C., (if construction he gave at all,) for I respectfully ask that you bear in mind that, until the late opinion of Mr. Whitcomb, (in the year 1839,) New Madrid claims south of the Arkansas river were as highly appreciated as those located in any other portion of Missouri Territory, for I must remind you that, as late as 1836, that rule of action was adhered to, as per patent issued to John Dorlac, 6th April, 1836.

The presumption, therefore, I think is untenable, that the Congress of 1832 meant, by its interdict, to condemn the location under the act of 1815, but was only desirous of precluding any additional rights to other individuals.

You remark in your opinion, also, that "surely this remedial act was

not intended in those general terms to apply to a case where there had been an express reservation by law," &c.

In regard to this—the *intention* of the first section of the law—I flatter myself that I have, in a former portion of this narration, treated this point so elaborately that you will no longer doubt, at least, the intention of the law, for of that there can be no question with one so familiar as myself with the promptings of those who framed the law; to doubt would amount to surpassing incredulity and marvellous prejudice.

But I am fully aware of, and meet with no difficulty in appreciating, your position on this head, for I confess that some additions to the wording of the act would have pointed more plainly to its intentions.

But there were at least two or more reasons why I presume Colonel Sevier, who was the framer of the law, thought it only necessary to employ *general terms*, the first of which was "that the passage of a law affording *general* relief would meet with much less opposition and more friends than one of an exclusive character." And, as I expected some opposition on account of this reservation, I suggested to him to embrace every interest that had suffered by the late decision of Mr. Whitcomb, that, if any case occurred in which the United States still held the title, it might thereby be confirmed.

For the same reason provision was made for the pre-emption, under the act of 1814, preferred to the springs by the widow and heirs of John Perciful, deceased, that their claim might stand upon the same footing with the New Madrid claim, and might rise or fall upon its own merits.

Another and the most substantial reason for the employment of general terms was, that the New Madrid claim had passed through an ordeal of several years of scrutinizing investigation, and stood before the department without an objection, except the Quapaw treaty difficulty, and to remove that isolated objection seemed only necessary to enable the claimants to obtain a patent. Wherefore, no exclusive allusion or mention was made of the claim, but it was conceived that by a general provision all would be well.

The provision made for the pre-emptions of 1814 by the act of 1843, is an additional argument in favor of the construction for which I contend.

It says that pre-emptions south of the river shall also be entertained. What case, permit me to ask you, could this benefit, but the pre-emption of Perciful on the springs? None other, for we must suppose that from 1814 to 1843 a right by settlement would have accrued repeatedly under the many pre-emption laws enacted in the interim; but the land at the springs being *reserved* by the act of 1832, rendered it subject to the confirmation act; and if indeed a pre-emption could be established under the law of 1814, it would take precedence and hold the property. Then, forsooth, I would not be instrumental in the passage of an act fostering an *adverse claim*, without, at the same moment, making some provision for my own.

In the closing paragraph of your opinion you reassert your former position, and remark, "That if a doubt exist upon this subject, by the decision of the Supreme Court of the United States, made at January term, 1839, in the case of *Wilcox vs. Jackson*, page 513, in that case the court says: "That whensoever a tract of land shall have once been legally *appropriated* to any *purpose*, from that moment the land *thus appropriated*

becomes severed from the mass of the public lands; and that no subsequent law, or proclamation, or sale, would be construed to embrace it."

You will observe the distinction, and mark the words of the decision, "whenever a tract of land shall have been legally *appropriated* to any *purpose*, from that moment the land *thus appropriated* becomes severed from the mass of the *public lands*." Your inference following would be fairly deducible if the case in point assumed the description of, and fell within the purview of the decision; for I would not attempt to gainsay your argument, if indeed the interdict of the act of 1832 could be maintained or considered as an *appropriation*. This, I think, cannot be derived from the law; for can any one say to what purpose or use the land has been applied? None except the United States can appropriate to the United States. The land has in nowise changed its tenure; it is held and owned by the same authority and for the same purposes that it was before the reservation. No one will doubt the power of Congress to pass a law for the sale, appropriation, or other disposition of any part of the four sections to which she has title, &c. Although the act of 1832 expressly prohibits the sale, &c., of the land, it cannot be maintained from that, that a subsequent Congress could not sell, appropriate, grant pre-emption rights, or confirm existing claims, in any way to pass the title to individuals. The only difference to my mind between the land in the reservation and government land generally is, that the act of 1832 inhibits the *ordinary* mode of *disposing* of the land embraced. She professed to have no peculiar use for the property, but only to make it the subject of future legislation; and no matter whether that legislation was to grant or sell to individuals, or donate to common schools, or military, or benevolent purposes; yet when that legislation was had, of whatsoever a character it may have been, the title must pass accordingly, and the object of the reservation will then have been completed, and the act of 1832 stand in the position that subsequent legislation has assigned it.

Thus it is that the act of 1832 reserved for future disposition; the act of 1843 made that disposition, (to the amount of two hundred arpens,) the 2,390 acres *remaining yet to be disposed of*.

I am clearly of the opinion that the decision of the Supreme Court is wanting in application, as between the terms of the *law* and those of the decision there is a marked and fatal discrepancy.

Appropriations are for a specific *purpose*, for the use and convenience of the government, military, naval, or otherwise; this has none of those features, none of those public ends to advance, and the reservation is subject to sale, confirmation, and pre-emption, if the Congress of the United States should so direct.

And permit me in conclusion to remark, that although the advancement of the public good ought and does not usually weigh a feather in the scale in directing one's mind to an important conclusion on legal points, still I cannot refrain from calling your attention to the manifold disadvantages under which residents in the vicinity of the property, and the county at large, are laboring in consequence of the unsettled condition of the title.

It has been repeatedly brought to the notice of our legislatures and our public men, and they invariably arrived at the conclusion, that the present unsettled individual claims forbids an interference until the question shall

have been settled, either before the department or the courts of the country.

Entertaining a conscientious belief, as I do, that the title under which I claim is just and legal, and being so decided by all legal counsels I have yet consulted, I cannot consent to yield my pretensions short of the highest tribunals that are known to the country.

Accompanied herewith you will receive a report of a committee of the Senate to whom I referred the different laws in reference to the subject, whereupon they readily accorded to the New Madrid and other claims such a degree of merit as forbids the passage of a resolution requiring our delegation in Congress to vote for the passage of a law *exclusively* for the *benefit of the State*, thinking it most probable that such a course would only tend to defer and further embarrass the settlement of the title.

An extravagant estimate of the value has also been placed upon the property. It is, to be sure, valuable, but is far in arrears of what many suppose.

All of which I most respectfully submit. •

HENRY M. RECTOR.

WASHINGTON CITY, D. C., *January 15, 1849.*

No. 38.

Opinion of Richard S. Coxe on the New Madrid claims south of Arkansas river.

Under the provisions of the act of Congress of February 17, 1815, a party having rights as owning lands in the county of New Madrid, in the Wisconsin Territory, had this right located on the Hot springs, in Arkansas, in the year 1819. In consequence of the peculiar state of the country, which prevented the public surveys from being made, it was impracticable for the parties interested to obtain for several years any patent certificate, and of course no patent was issued. These impediments having been removed, and the surveys perfected, the patent certificate in regular form was obtained, and application duly made to the Land Office for a patent.

At this time, in 1837-'8, the Commissioner of the General Land Office perceived no irregularity in any of the preliminary proceedings. The original right under a New Madrid proprietor was admitted; that the land upon which this right had been located was subject to such location was recognised; the validity of the patent certificate was acknowledged. Indeed, under the then settled practice of the office none of these points could be disputed. Many instances had occurred in which, under precisely the same circumstances, other parties had obtained patents, the validity of which has never been questioned, and the titles thus consummated have never been impugned.

One single obstacle was alone interposed which prevented the emanation of the patent in this case; which was, that a pre-emption right had been exhibited to the same land by the heirs of John Perciful, who had filed a caveat against the claim now under consideration. This difficulty was, however, soon obviated. The parties interested in the pre-emption claim

failed in substantiating it, and the Land Office came to the conclusion that Mr. Rector's right was perfect, and promised that a patent should be made out for him.

Unfortunately, however, during the delay thus occasioned, a conflict occurred between certain parties claiming under floats, as they were termed, and certain parties who had located New Madrid certificates upon the ground covered by the town of Little Rock. The controversy terminated in a decision, made by Commissioner Whitcomb, that the New Madrid locations were irregular, upon the single ground that they had been made upon land to which, at the date of the act of 1815, the Indian title had not been extinguished.

This decision was thus pronounced after numerous patents had issued upon similar titles, the validity of which the government has never questioned. It was a decision in a single case, involving conflicting claims of different parties. It was made after an opinion had been definitively pronounced in favor of this particular claim, and a distinct assurance that a patent should issue. It was made after the Indian title had in fact been extinguished, and when the location was not made until, by such extinguishment, all possible danger of injury to the Indians, or conflict with any of their rights, had ceased. The decision was given under all these circumstances, upon a construction of certain phraseology in the act of February, 1815, which, even if conceded to be correct, all will admit to be founded before the very *apices juris*—a strict and rigid construction of, to say the least, a very doubtful expression.

The act of 1815 had authorized the New Madrid sufferers, who had sustained heavy losses from an act of Providence, to mitigate these calamities by locating the same quantity of land which had been destroyed or essentially injured by an earthquake, "on any of the public lands of the said Territory, the sale of which is authorized by law." The Land Office had itself adopted the construction that the lands on which the present party had located his rights were comprehended in this description. In several instances, as has been observed, they had acted upon this construction, and had confirmed the titles to such lands by issuing a patent.

Now, however, after the lapse of years—after the party had incurred heavy expenses—after he had successfully encountered and overcome all individual competitors—after resting upon the established practice of the department to whose action he was to look for the rules by which he was to regulate his conduct and to perfect his rights, he is suddenly and unexpectedly arrested by a change in the opinion of the Commissioner—a change of opinion which is made to divest him of property to which he had a title always before regarded as perfect, and to reverse judgments on the office to which he had studied to conform.

It was now held by the Commissioner that lands to which the Indian title had not been extinguished were not public lands of the United States, the sale of which is authorized by law. It was also held that the word "is," in the statute, must be rigidly restricted to the very date of the act, and that it did not comprehend any lands which, on the 17th day of February, 1815, might not have been sold, although subsequently to that date every impediment of this kind had been removed.

It must be conceded on all hands that such rigid constructions originated in a spirit wholly different from that which actuated the Congress, when, in 1815, it passed the act for the relief of the New Madrid sufferers.

The legislature had been animated by a noble and liberal spirit towards those whose property had been destroyed by an awful visitation of Providence. The officers of the land office appeared to be laboring in what manner and to what extent they could narrow down and curtail this act of generosity.

One objection which was raised against certain of these locations was, that they did not correspond with the lines of the public surveys; and on the ground that this would generate trouble and confusion, the officers of the land office cut this Gordian knot, and summarily rejected the whole class as essentially and incurably defective. Congress speedily interfered to rectify this palpable violation of law, and on the 26th of April, 1822, passed an act to remedy this evil, and confirmed all locations which, otherwise correct, were tainted with this imputed irregularity.

Driven from this ground, these gentlemen sought for other rigid and technical objections, drawn from the phraseology of the act of 1815, to limit the benefits which it was designed to provide. Congress was equally alert to counteract this propensity, and on the 2d March, 1827, passed an act which it was vainly thought would effectually preclude all further difficulties, which was expressed in the most comprehensive terms, confirming the locations which had been made, "any construction thereof (that is, of the act of February, 1815) to the contrary notwithstanding."

The ability of Congress was, however, no match for the ingenuity of strict constructionists. All, or nearly all, of these locations had been finally disposed of at the department. That now under consideration, it is believed, was alone in controversy with the government. Congress had provided that these locations should be valid, although made upon lands which had never been exposed to sale by the Executive, or which had not been surveyed, or which had been found to disregard the sectional lines of the public surveys. One objection still existed by which Mr. Rector was prevented from obtaining his patent. The Indian title had not been extinguished on the 17th February, 1815—the day on which the act passed. It was urged in vain that there was nothing in the statute which prescribed such a term; *that the Indian title had been extinguished before the land had been located*; that the proper officers of the government had recognised and approved of all the steps which had been taken, and granted a patent certificate. All was unavailing. The non-extinguishment of the Indian title at the precise date of the law, by a construction of the statute which had been positively interdicted by Congress, was still an insurmountable impediment.

By the advice of counsel, and through the aid of friends in Congress, an act was procured to be passed, on the 1st March, 1843, the first section of which was designed and intended to operate especially, if not exclusively, upon this very location, and to obviate the only objection then known to exist in the mind of the Commissioner of the Land Office. The first section of this act, in the plainest and most peremptory terms, declares that the locations theretofore made under the act of February, 1815, on the south side of the Arkansas river, if otherwise regular, shall be perfected into grants, "in like manner as if the Indian title to the lands on the south side of the river had been completely extinguished at the time of the passage of the said act."

The gentleman through whose friendly aid this act had been passed, for the specific purpose of putting an end to this particular controversy,

now called upon the Commissioner to obtain the patent which had so long been promised, and which had been withheld on the single objection of the non-extinguishment of the Indian title. To his no small astonishment, he was informed that the very statute which he had been laboring to have passed for the very purpose of perfecting this location contained some provisions out of which new objections were to spring, which completely frustrated the object which he had designed to accomplish.

The views now taken by the Commissioner will be found in his letter of March 1, 1843, written on the very day the act received the approval of the President, and, consequently, without much time or opportunity for consideration. I beg not to be understood as designing any imputation upon Colonel Blake, whom I have ever found an honorable gentleman; but certainly this opinion of his indicated very clearly either "foregone conclusions," or an uncommonly rapid way of forming judgments, utterly at variance with the views of those who had framed the statute upon which his opinion was founded.

An examination of this hastily prepared opinion will fully corroborate these first impressions. Unless I have entirely misapprehended both the general policy and the specific language of this statute, Colonel Blake has altogether misconceived both. The collateral evidence which exists in the office may indicate which is in error in point of fact, and the views here presented will furnish the means of deciding which is in error in point of law.

The Commissioner, in the letter alluded to, intimates that there are two pre-emption claims which had been rejected by the department on the same grounds upon which the invalidity of this New Madrid location had been disallowed. Now, the records of the Land Office will show that, independently of any such objection, these pre-emption claims never have been substantiated by that kind of evidence, or within the time prescribed by law, and that they are upon no ground whatever admissible; even if this claim were out of the way, or the particular objection as to the Indian title removed, between this claim of Mr. Rector and those no difficulty could exist.

The principal ground, however, upon which the Commissioner relies, grows out of a provision contained in this act of 1843, which, it is believed, he has entirely misapprehended and misconstrued.

The second section of that act provides, "that in all cases in which the locations so made on the south side of the Arkansas river may have been sold, and the lands thus located under the act aforesaid have been appropriated by the United States, the owner of the warrants issued under the provisions of the act aforesaid (February, 1815) shall have a right to enter, after the passage of this act, the like quantity of public lands," &c.

In point of fact, this section was introduced for a specific purpose. Two cases, at least, existed in which a party entitled to a New Madrid location had been ousted of his rights by a sale made, and patent issued by the United States to a fair and bona fide purchaser. In such a case the government could not, with any show of justice, even if it possessed the power, do any act to divest a citizen who had fairly purchased and paid for a tract of land, and received a patent for it, of the property thus acquired. But no such power existed. Had the proprietor of the New Madrid location procured a patent, his legal title would have been unavail-

ing against a prior legal title, accompanied by an equal equity. It was for the purpose of providing a remedy for such cases that the second section of the act of March 1, 1843, and the phraseology employed is peculiarly adapted to such cases, and cannot, without a most forced and unnatural construction, be tortured to apply to the present case.

In the first place, the cases intended to be provided for are described as those "in which the locations may have been sold, and the lands thus located been appropriated by the United States." It was necessary that a sale should have been actually made, and having been sold, should have passed to the purchaser. This is the appropriation mentioned, and no other. Now, it cannot be pretended that the land in question had been thus sold and appropriated. The legal title existed in absolute perfection in the government, subject to any disposition of it which it might please to make, saving only Mr. Rector's equity.

Nor, in any sense of the term, can it be even said that this land had been appropriated. The Commissioner has confounded two words, each having a precise, distinct, and well known signification, perfectly well settled and recognised throughout the entire system of the land laws. When any particular tract is wanted by the government for any special purpose, as a fort, arsenal, light-house, or other public object, it is specially designated for that purpose, excepted out of the great mass of property intended to be sold, and receives the appellation of "a reservation." The records of the Land Office, the proclamations of the Executive, the statutes, are full of such cases. When, on the other hand, the government has made a sale or donation of lands to citizens, States, or public bodies, these cases are equally well known, and called "appropriations." It is not easy to conceive how the Commissioner could have confounded words of such widely different signification.

One of the important distinctions always recognised between these terms deserves particular notice. When any portion of the public domain has once been legally appropriated, the right of the government as owner is determined. The title is vested in another, and no further authority to grant it can be exercised. When a portion of the same domain is reserved for government uses, the power to dispose of it still exists in the most perfect and absolute manner. The object for which it was originally reserved may have ceased to exist, and repeated instances have occurred in which the United States has thus disposed of property once required and reserved for some important public purpose.

Now, it necessarily results from this view of the subject that even had the Commissioner in March, 1843, not committed the solecism which has been pointed out, and if the terms employed in the second section of this act could, with any show of reason, be construed to mean a simple reservation from sale, then it will also be necessary for him, to make his argument available to defeat Mr. Rector's claim, to show that Congress, in all its plenitude of power, had no constitutional authority to dispose of land once reserved from public sale.

The reservation to which the Commissioner refers as annulling the provisions of the first section of the act of March, 1843, will be found in the act of April 30, 1832. The first section of this last-mentioned act, using the appropriate phraseology, reserves for the future disposal of the United States the salt springs on the Washita river. The second section authorizes the governor of the Territory of Arkansas to lease them for a

limited period. The third section, in like manner, reserves for the future disposal of the United States four sections, to be so located as to include the Hot springs included within Rector's claim.

The date of this act, it will be observed, is April, 1832. If the appropriations referred to in the act of March, 1843, can by any construction be interpreted to embrace such reservations as that made in the third section of the act of April, 1832, then clearly Congress has simply by the last act repealed the former. The power thus to repeal a statute, which confers no private right, will scarcely be questioned.

Independently, however, of this ground, I assume another equally impregnable. If the location of the New Madrid certificate, under which Mr. Rector claims, was originally valid under the act of February, 1815, in regard to which I entertain no manner of doubt, or if, being originally defective, those defects have been cured by the subsequent acts which I have cited, it then necessarily follows, that as these later acts, all in the most positive and explicit terms, relate back to the date of the location which was made, in 1819, they clearly give to it validity from its very origin.

Under these circumstances, Rector's title being a vested one, the United States in 1832 had no rights to the land which could be reserved. Such is the positive decision of the Supreme Court in the case of the United States *vs.* Fitzgerald; 15 Peters, 407. In the opinion of the court (p. 420) it is said, "no reservation or appropriation of the land made after the right of the defendant accrued under the act of 19th June, 1834, could defeat that right." Such is unquestionably the law of the land, and must govern this case. The right, therefore, of Mr. Rector under the act of 1815 is wholly unaffected by the reservation supposed to have been made in 1832.

After the foregoing examination of the case, it seems almost unnecessary to say a word in regard to the decision of the Supreme Court cited by the Commissioner, 13 Peters, 513. In truth, the language of the court in that case, if correctly understood, is confirmatory of what has already been urged in the preceding part of this paper. "Whosoever (says the court) a tract of land shall have been legally appropriated to any purposes, from that moment the land thus appropriated becomes severed from the mass of public lands, and no subsequent law, or proclamation, or sale, would be construed to embrace it or operate upon it, although no reservation were made of it." The absurdity of confounding such appropriations with reservations is here manifest.

The simple question is, when was the tract, now in controversy, thus severed from the mass of the public lands? It is believed that it has been demonstrated, in the preceding pages, that this was effectually done in 1819, when the New Madrid certificate was originally located.

It will now be proper to conclude this already too extended argument by showing, from the highest authority, that the act of 1815 was of itself sufficient to give validity to this title, and that the subsequent statutes down to 1843, to remove the various impediments interposed by the land officers, are only correct interpretations of the first statute. In the case of *Stoddard vs. Chambers*, 2 Howard, 284, the opinions of the Attorney General were cited and relied upon; but the Supreme Court said, in substance, that if a New Madrid certificate were laid upon lands which at the date of the act were reserved, still, if at the time of the entry, or even at the date of the patent, the reservation was terminated or suspended, the title of the

party could not be contested. In the subsequent year, 1845, another case came before the Supreme Court, involving the construction of the act of February, 1815, in which it was held, in direct opposition to the opinions of the Attorney General, and the views of the Land Office, that a New Madrid certificate might lawfully be located upon the public lands before the same were offered at public sale by the President, and before they had been surveyed; and, under the act of 1822, whether or not they conformed to the lines of the public surveys; and, further, it reaffirms the view of the law and the construction given to it in Stoddard and Chambers, and asserts that, if the land upon which the New Madrid certificate was located was such public land as described in the act of 1815, at any time from the date of the act up to the issuing of the patent the location was valid, (p. 53-'4.) Instead of treating the New Madrid parties in the manner in which the land officers and Attorney General seemed disposed to consider them, as the recipient of alms, doled out to them by strict measurement, the Supreme Court correctly apprehended the views of Congress, and regarded them as "preferred claimants."—(See page 53.)

I have thus, so far as I have the capacity to comprehend them, examined the title now held by Mr. Rector, and the objections which from time to time have been urged against its allowance and confirmation at the Land Office. Unless I have entirely misapprehended the subject, I have demonstrated that, on every principle of correct interpretation of law, of justice, and of authority, Mr. Rector has been the lawful owner of the land now claimed by him since the original location in 1819; that no valid or even plausible objection to the issuing of a patent exists; and that the withholding it from him to this late day has been a palpable and grievous wrong, which ought to be repaired as speedily as practicable by now granting it.

RICHARD S. COXE.

JANUARY 19, 1849.

Resolution of the Senate of the State of Arkansas.

DECEMBER 9, 1848.

Among other proceedings had in the Senate of the State of Arkansas on this day, were the following :

Mr. Poindexter, from a select committee, made the following report:

MR. PRESIDENT: The select committee on the subject of the Hot springs report that they have had the same under consideration, and have learned that there are private claims, not as yet fully settled, relative to said springs; and not wishing in any manner to prejudice said claims by their action, therefore ask to be discharged from the further consideration of the subject.

POINDEXTER, *Chairman.*

Which report was read, and, on motion of Mr. Williamson, adopted.

I certify the above to be a true copy of the proceedings of the Senate on the 9th December, 1848, on the subject of the Hot springs of Arkansas,

and that they have, since that time, taken no further action on the subject.

JOHN M. ROSS,
Secretary of the Senate.

SENATE CHAMBER,
Little Rock, Arkansas, December 18, 1848.

No. 39.

WASHINGTON, *January 26, 1849*

Hon. R. M. Young will please prepare for the inspection of the Hon. Secretary of the Treasury the papers in connexion with the New Madrid claim, known as the Langlois claim, and located on the Hot springs of Arkansas, as an appeal to that officer is asked for the undersigned.

Very respectfully, your obedient servant,

HENRY M. RECTOR.

No. 40.

GENERAL LAND OFFICE, *January 26, 1849.*

SIR: By the act of Congress approved 17th February, 1815, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes," persons owning lands which had been materially injured by earthquakes were authorized, with certain limitations, to locate the like quantity of land on any lands of the said Territory, "the sale of which is authorized by law."

Under this act the recorder at St. Louis issued to Francis Langlois a location certificate No. 467, dated 26th November, 1818, which was located 27th January, 1819, on the Hot springs in Arkansas, in township two south, of range nineteen west, Arkansas. The *Indian* title to the tract of country embracing said location had not been extinguished at the passage of said New Madrid act of 1815, said tract having been ceded to the United States by the treaty with the Quapaws concluded on the 24th August, 1818, as ratified on the 5th of January, 1819.

In the third section of the act of Congress approved April 20, 1832, (United States Statutes at Large, vol. 4, page 505, chap. 70,) it is declared "That the Hot springs in said Territory," (Arkansas) "together with four sections of land, including said springs, as near the centre thereof as may be, shall be reserved for the future disposal of the United States, and shall not be entered, located, or appropriated for any purpose whatever;" and the reservation was accordingly fully laid down on the township plat in this office, dated 30th April, 1838.

Subsequently, however, Congress passed "An act to perfect the titles to lands south of the Arkansas river, held under New Madrid locations, and pre-emption rights under the act of one thousand eight hundred and fourteen," which was approved 1st March, 1843.

On the 18th September, 1839, this office, in regard to certain New Madrid *locations* under the act of 1815, which had been made on lands in the

Quapaw cession of 1818, decided (extract A, herewith) that such locations were void, upon the ground that they were not on lands the sale of which was authorized by law at the date of said act of 1815.

On the passage of the act which was approved 1st March, 1843, Governor J. S. Conway applied to this office to obtain a patent for the location of Langlois.

Mr. Rector now orally states that this application was made at his instance by Governor Conway, on the ground that, admitting the Langlois location was invalid, because on lands ceded subsequent to the act of 1815, yet that the parties interested regarded the act of 1843 as intended to remove the difficulty. Commissioner Blake at that time, however, decided that the act of 1832 had imposed such a restraint by reservation of these springs, as to exclude them from the operation of said act of 1843, and therefore that this office was not authorized to issue a patent.

Enclosed is a copy (B) of his decision, dated 1st March, 1843.

In 1848 the case was examined by me, and a decision, (copy C, herewith) dated May 8, 1848, was rendered against the validity of the location. Recently Henry M. Rector, esq., filed in this office his printed argument, and an opinion of R. S. Coxe, esq., both of which (Nos. 1 and 2) are enclosed, in support of the claim; and upon an examination thereof, I rendered an opinion, dated the 25th instant, (copy D, herewith,) declining to interfere with the aforesaid official decisions against the validity of the claim in question.

From these decisions Henry M. Rector, esq., now appeals, in his letter herewith, and therefore the case is now respectfully submitted to the appellate authority.

With great respect, your obedient servant,

RICHARD M. YOUNG,
Commissioner.

HON. ROBERT J. WALKER,
Secretary of the Treasury.

No. 41.

WASHINGTON, *Ju'y* 29, 1849.

SIR: Herewith you will receive the opinions of the Commissioner of the General Land Office, from September, 1839, to the present time, relative to the Hot springs claim.

The claims spoken of in the extract of the opinion of Mr. Whitcomb are New Madrid claims south of the Arkansas river, in the country treated for with the Quapaws.

The claims mentioned were decided against on those grounds, and upon that decision my claim to the springs was declared invalid.

For an exposition of the opinions of the Commissioners, read the arguments of Mr. R. S. Coxe and myself, accompanying these papers.

I am, sir, very respectfully, your obedient servant,

H. M. RECTOR.

To Hon. HENRY S. FOOTE.

No. 42.

WASHINGTON CITY,
February 1, 1849.

I will suggest that, in submitting the question of the Hot springs to Secretary Walker, two *distinct points*, and those only, be made, to wit:

That the act of 1815 referred to the *date of the location*, not to the date of the *act*.

The *affirmative* of this *proposition* was acted on by the General Land Office for twenty years, and when reversed, met the decided disapprobation of every one. *Subsequently* this question arose in the United States court, where the law is settled definitely to relate to the *location*, or even, the court says, the date of the patent. (See Mr. Coxe's argument.)

I hold the interpretation of the court to be correct, and insist on its authority before the departments. If Mr. Walker will take this view of the matter, it will cut off all *controversy with the reservation under the act of 1832*; and further, will supersede *at once* the pre-emption of 1830. General Foote will please insist on this point. If, however, this position cannot be gained, the effects of the act of 1843 must be taken into consideration.

For the facts in connexion with the intention and passage of this law, look to my argument addressed to Judge Young. I will add one word to what I have already said on this subject.

Commissioners Young and Blake rely on the fact that the land, under the act of 1832, was actually set apart and *severed* from the mass of the public lands.

This, so far as that portion covered by the New Madrid claim is concerned, is an error, for the government plat, made out by the proper officer, exhibits the New Madrid claim *entire*, awards precedence to it, and does not designate the land *covered by it* as a *part of the four sections*. Thus stood the matter on the first of March, 1843, when the confirmatory act was passed; and such is its relative position up to this date, as is shown by the *copy of the plat herewith enclosed*.

The *second section* of the act of 1843 was for the purpose of providing for the *re-location* of the New Madrid claim known as the *Cockerham claim*; the land of which, under the decision of Mr. Whitcomb, had been "*sold and appropriated*" by the United States before the act of the *first of March* passed; the first section was intended for the spring case, and that almost *exclusively*, as I show in my pamphlet submitted to Judge Young.

Respectfully, your obedient servant,

HENRY M. RECTOR.

HON. HENRY S. FOOTE.

No. 43.

WASHINGTON CITY,
February 14, 1849.

DEAR SIR: In answer to your inquiry of me as to my knowledge of the meaning and intent of the act of Congress of 1843 in reference to the

EX.—4

claims to land south of the Arkansas river, I can say that I have no knowledge personally of the motives which prompted, or the design which accompanied the passage of the act; but since my arrival here I have become acquainted with facts, from reliable sources, establishing my belief that, in *point of fact*, the act in question was intended to confirm the Langlois New Madrid claim, and its passage obtained for that purpose.

I am, respectfully, yours, &c.,

W. K. SEBASTIAN.

Col. H. M. RECTOR.

No. 44.

GENERAL LAND OFFICE,
February 15, 1849.

SIR: Pursuant to your request of this morning, I have the honor to state that patent certificate No. 435, for the Langlois New Madrid claim, (location certificate No. 467,) with a "copy of the location plat and survey," appear in the first instance to have been received at this office on the 2d July, 1838, with a letter from you, dated 22d June, 1838, at St. Louis.

It appears, however, that subsequently the said patent certificate (with other papers) was returned from this office, under date December 3, 1839, to F. S. Key, esq., acting in your behalf; and that said patent certificate and other papers were again filed here, under date March 25, 1842, by J. S. Conway.

In accordance with your further application I transmit herewith, first, a copy, from the record, of a letter to you, dated October 16, 1838, from this office; second, a copy of a letter, dated February 28, 1843, from Hon. A. H. Sevier, introducing General Conway; third, a copy of patent certificate No. 435.

Very respectfully, your obedient servant,

RICHARD M. YOUNG,
Commissioner.

HENRY M. RECTOR, Esq.,
Present.

No. 45.

WASHINGTON CITY, February 15, 1849.

SIR: I most respectfully beg leave to refer you to an additional fact in support of my position in regard to the construction that ought to be given to the New Madrid act of the 1st March, 1843, if, indeed, anything more can be needed after the transmission of the letter of the late Colonel Sevier to Judge Blake, a copy of which I had the honor to enclose you yesterday.

On file with this letter will be found the printed bill as it passed the House, upon which you may see the following: "Reported from the Committee on Public Lands, by Mr. Thompson, of Mississippi, the fol-

lowing bill, without amendment." This is the substance—I quote from memory.

After seeing this, I called on Mr. Thompson to ascertain what information, if any, I could obtain from him on the subject. Whereupon, Mr. T. states that he does not now recollect the particulars of the case, but says that whatever impressions he may have had about it were obtained from Colonel Sevier, and upon his representations alone was he induced to advocate the bill, and did procure its passage.

Our delegate, Judge Cross, being absent at the time, Mr. Thompson called up the bill and got it acted upon first upon the close of the session.

I have the honor to be, sir, your obedient servant,

HENRY M. RECTOR.

HON. ROBERT J. WALKER,
Secretary of the Treasury.

No. 46.

WASHINGTON, February 15, 1849.

SIR: I have the honor to enclose herewith a letter of this morning from the honorable Commissioner Young, stating the period of the receipt of the papers in connexion with the location on the Hot springs.

I also enclose letters from honorable William K. Sebastian, honorable R. W. Johnson, and, in examining the papers on file in the office, fortunately found a letter from the late honorable A. H. Sevier, in direct reference to the matter in question. This, you will observe, was handed Mr. Blake by Governor Conway after the passage of the bill, showing conclusively the intention of the law.

I send you, also, a copy of letter of the 16th October, 1838, from Mr. Whitcomb, showing the estimation in which the department held the claim at that time.

Also, copy of the *patent certificate* issued by F. R. Conway, recorder of land titles for Missouri Territory; also, a communication from Judge Young, showing what disposition had been made of the land embraced by New Madrid claims located in the city of Little Rock, south of the Arkansas river. You will perceive that the land embraced by these locations was "*sold and appropriated by the United States to third persons before the passage of the act of 1843, and are alone referable to the second section of that act.*"

From what appears from an examination of those papers, it seems clear, I think, that the Langlois claim is peculiarly entitled to the benefit of the confirmatory act.

I have the honor to be your obedient servant,

HENRY M. RECTOR.

HON. R. J. WALKER,
Secretary of the Treasury.

No. 47.

TREASURY DEPARTMENT,
February 27, 1849.

SIR: I have the honor to transmit to you a letter from the Commissioner of the General Land Office to this department, dated January 26, 1849, referring on appeal to me the decision of the Commissioner in the case of the claim of Henry M. Rector, esq., as therein stated, together with the accompanying documents.

After some examination of the subject, and especially the acts of 1815, 1827, 1832, and 1843, I cannot concur in the views of the Commissioner. They do not accord with my view of the law; and, upon one of the principal questions involved, they are repugnant to the opinions expressed in two decisions of the Supreme Court of the United States.

Under these circumstances, and entertaining a high respect for the opinion of the Commissioner, and not having time to give to the subject that complete and thorough investigation which its importance demands, I respectfully refer the questions involved in this case for your decision.

I have the honor to be, very respectfully, your obedient servant,

R. J. WALKER,
Secretary of the Treasury.

Hon. ISAAC TOUCEY,
Attorney General United States.

No. 48.

GENERAL LAND OFFICE,
November 3, 1849.

SIR: In compliance with the request in your behalf of Mr. Reed, of your office, I have the honor to enclose herewith two communications from the Hon. Solon Borland—one of the 13th January, 1849, (*a 1021*,) the other of the 18th of same month, (*a 595*,) the latter with three printed papers.

When you shall have considered the enclosed, the return of them to the files of this office is respectfully requested.

With great respect, your obedient servant,

J. BUTTERFIELD,
Commissioner.

Hon. REVERDY JOHNSON,
Attorney General United States.

No. 49.

WASHINGTON CITY, *January 13, 1849.*

SIR: On the 5th instant I introduced in the Senate the enclosed bill to dispose of the Hot springs of Arkansas, with the four sections of land reserved from sale by the act of April 20, 1832. This bill has been re-

ferred to the Committee on Public Lands, and I am charged with the duty of reporting upon it.

Preliminary to the introduction of this bill, I procured from your office a map of the reservation in question, containing also a delineation of the tract of $170\frac{1}{4}$ acres, called the Langlois location. Along with this map you were kind enough to furnish me a copy of the letter of Commissioner Blake, of March 1, 1843, to Governor Conway, in relation to private claims to portions of this reservation.

As it is my wish to be thoroughly informed upon this whole matter, (inasmuch as it is of much interest to my State,) in regard alike to the legal rights of the government and of individuals, and particularly as I find that private claims upon this property are now urged with some activity, I have to ask you to furnish me with such additional information as may exist in your office on this subject, *and with your official decision upon the force and effect of the reservation act of 1832 referred to; of the act of March 1, 1843, in the same connexion, and upon the legal rights of the government, and of individuals claiming any portion of this reservation at this time.* True, I have a copy of your letter of May 8, 1848, in which your decision is very clearly and pointedly given. Yet, as one of the individuals setting up a claim to the Langlois location informed the committee last Thursday that you again had the subject under advisement, I desire to have the benefit of any new lights which may have been furnished to you or by you, in order to bring my own mind to a just conclusion.

It may be proper to say, that if I shall become satisfied that any private claims are valid *under existing laws*, I will not attempt to oppose, delay, or embarrass them by any act, personal or official. But if I find that the *laws, as they now exist*, and are fairly construed, however literally, do not recognise any of these private claims, I shall oppose actively, firmly, and zealously, any legislation which may have for its object or effect the removal of any existing legal obstacles to the establishment of such claims. Such a course I shall pursue from a sense of duty alike to the interests of my State and to *humanity*. My opinion is, that the act of 1832 was humanely intended to prevent the monopoly of a great and valuable remedial agent. I feel bound to aid, to the extent of my power, the beneficent intention of that act. You will see by my bill that my purpose is to extend the valuable influences of this great natural remedy for disease, by facilitating the establishment of accommodations for the sick and suffering; and, still further, by making it tributary to the great and good purpose of educating the poor, at the same time and in the same spirit that I would forever prevent its being monopolized by the selfish hand of individual speculation.

I send you all the papers I have on the subject, including a letter received from Mr. John C. Hale, of December 17, which, by the way, I find some difficulty in understanding. After you have considered the matter, (and I trust you will do so at an early moment,) be pleased to return the papers to me, with your official opinion. Your early attention to this matter will add to the obligations under which your kindness has already placed me.

I am, very respectfully and truly, yours,

SOLON BORLAND.

Hon. R. M. Young,

Commissioner of the General Land Office.

When you return the papers, be pleased to return this letter also, or a copy of it, and oblige

S. B.

No. 50.

WASHINGTON, January 18, 1849.

SIR: Enclosed herewith I send you the memorial of Mr. Rector, recently presented to the Senate, protesting against the passage of the bill recently introduced by me for disposing of the Hot springs of Arkansas; also the bill submitted by him, which he desires to be passed in lieu of mine. As he states that he will soon have the matter fully before you, I send you these papers, in order that no fact or consideration possible to be found shall be wanting to a clear, comprehensive, full, and final decision upon the case, so far as your department can make such a decision and disposition. All the other papers, or copies of them, you already have. I again refer you to them, and particularly to that portion of my last letter on the subject where I speak of the *legal rights* of parties under *existing laws*. I repeat my desire and determination to respect and sustain all such rights, whether found accordant with my wishes or not; but also my equal desire and determination to resist the creation of any new individual rights, except in such way as may fairly result from some such bill as mine. To any feeling or inclination you may entertain to aid Mr. Rector in obtaining legislation favorable to his claim (as he seems to indicate in his memorial) I have not, and cannot have, any objection; and with it I have neither the wish nor purpose to interfere. But I am sure you will understand me as in my official character of senator and committeeman only, applying to you in your official character of Commissioner for your opinion and decision upon the rights of Rector and the other known individual claimants to this property under existing laws.

To one portion of Rector's memorial I request your attention. On the second page—where you will see a marginal note of mine in pencil—he says that the legislature of Arkansas had removed the obstacles which for so long a time had prevented a resort to the courts, in order to settle the title to this property. In that assertion no doubt Mr. Rector spoke in good faith, and really believes such legislation as he describes had taken place. But in this I have good reason to believe that he was mistaken; for in a Little Rock paper, recently received, I find in the legislative proceedings in the Arkansas House of Representatives, on the 23d December ultimo, the following:

“Senate bill No. 50, providing that actions of ejectment may be maintained on patent certificates issued by the recorder of land titles of Missouri, and on French and Spanish grants, was laid on the table *indefinitely*.”

Now this must have been the bill to which Mr. Rector alludes, as he told me, upon his arrival here, that such a bill had passed the Senate, and would, in his opinion, pass the House; and such was the bill to accomplish the purpose he desires. But it seems the bill did not become a law, and, from the indications, will not. I mention this circumstance or what it may be worth in the connexion he has given it.

I presume that by this time Mr. Rector's argument and other papers are before you, and therefore hope you will be able to bring the case to a close at an early day, and enable the committee to report.

For the prompt and accommodating manner in which you have ever met my wishes in all intercourse with your office, accept my sincere thanks.

Very respectfully and truly your obedient servant,

SOLON BORLAND.

HON. R. M. YOUNG,

Commissioner of the General Land Office.

No. 51.

WASHINGTON, April 26, 1856.

SIR: Pursuing our conversation of this morning in relation to the Hot springs of Arkansas, I will state in writing that I have recently received a communication from one of the most respectable and responsible men of Arkansas, informing me that he is the agent of Grammont Falhiol, who claims to be the son, and perhaps only surviving heir, of the old Spanish commandant of that portion of the territory of Louisiana (while a possession of Spain) which now includes the Hot springs of Arkansas; that his principal (Falhiol) claims, as heir of his father, the title to the springs and a certain quantity of land surrounding them, under an original Spanish grant, of which he has the requisite documentary proof. This agent of Falhiol, understanding that there is some probability that, in the absence of his claim, the New Madrid claim of Mr. Rector, or some other private claim, may be allowed by the United States, desires that the action of the government upon other claims may be suspended for a time, to enable him to prepare and present the application of his principal, and has requested me to make for him this request of your department.

I have no personal knowledge of this particular claim, although I have often heard of it as one which was certainly valid, if the proof in support of it could be found. This, added to the confidence I have in the gentleman by whom I am now requested to make this application, induces me to comply. I cannot say how much time may be required to prepare and present the case, but have no doubt that due diligence will be used by the claimant and his agent.

Be pleased to inform me if the suspension asked can be granted, and what time for presenting the claim of Falhiol will be allowed.

I am, very respectfully, your most obedient servant,

SOLON BORLAND.

HON. J. BUTTERFIELD,

Commissioner of the General Land Office.

No. 52.

GENERAL LAND OFFICE,
April 29, 1850.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, referring to information you had received from the agent of Grammont Filhiol, son of the old Spanish commandant, as to the existence of a Spanish grant to the Hot springs in Arkansas, and stating that "this agent of Filhiol, understanding that there is some probability that in the absence of his claim the New Madrid claim of Mr. Rector, or some other private claim, may be allowed by the United States, desires that the action of the government upon other claims may be suspended for a time, to enable him to prepare and present the application of his principal," &c.

In reference to this matter, I beg leave to state that four sections, embracing the Hot springs, are held in reservation in virtue of the 3d section of the act of Congress approved April 20, 1832; that, as regards the New Madrid claim L. C. 407, being that represented by Mr. Rector, this office has heretofore decided the location to be invalid, but an appeal was taken from this decision by Henry M. Rector, esq., and the case submitted 26th January, 1849, to Mr. Secretary Walker, and that since then this office has received no official advice as to the final decision of the appellate authority, and consequently the matter for the present necessarily remains in suspense; that, in relation to the claim of Filhiol, this office has no evidence that it ever was filed before a board of United States commissioners, or otherwise legally brought to the notice of the government, but, on the contrary, we have on file here letters—one, of the 25th May, 1839, from the surveyor general at St. Louis; the other, dated 26th June, 1839, from the surveyor general at Little Rock—representing that there is no evidence on their files of such a grant.

It is proper here further to add that, where a grant has not been brought to the notice of the government in the manner alluded to, this office has no power to take cognizance of it, whatever may be its character.

As the New Madrid case, however, has not yet been sent back to this office by the appellate authority, I will lay before the honorable Secretary of the Interior a copy of your communication with a copy of this, for his consideration and for such directions as he may be pleased to give touching your application in the premises in behalf of the agent of Filhiol.

With great respect, your obedient servant,

JOS. S. WILSON,
P. C. P. L. C.
for J. BUTTERFIELD,
Commissioner.

Hon. SOLON BORLAND,
Senate of the United States.

No. 53.

GENERAL LAND OFFICE,
April 29, 1850.

SIR: I have the honor herewith to lay before you a transcript (A) of a communication, dated January 26, 1849, from this office to Mr. Secretary

Walker, submitting the appeal of Mr. Rector from the decision of this office against the Langlois New Madrid claim to the Hot springs in Arkansas.

I beg leave also to enclose copy (B) of a communication, dated the 26th instant, from Hon. S. Borland, of the Senate, referring to a Spanish claim in the name of Filhiol, said to exist to the aforesaid Hot springs, and applying, on behalf of the agent of Grammont Filhiol, for suspension of action in regard to the New Madrid or other claims, so as to afford time for the preparation and presentation of the Spanish claim.

Enclosed I send a copy (C) of my answer of this date to Senator Borland, with copies (D and E) of the letters therein referred to from the surveyors general of Missouri and Arkansas—one dated 25th May, 1839; the other 26th June, 1839. No decision of the appellate authority having yet been communicated to this office respecting the New Madrid claim, the application of the Hon. Mr. Borland, in regard to a suspension of the proceedings and allowance of time to present the Spanish claim, is respectfully submitted for your consideration, and for such directions as you may be pleased to give in the premises.

With great respect, your obedient servant,

JOS. S. WILSON,

P. C. P. L. C.

for J. BUTTERFIELD,

Commissioner.

HON. THOMAS EWING,

Secretary of the Interior.

No. 54.

DEPARTMENT OF THE INTERIOR,

Washington, May 3, 1850.

SIR: I herewith send you a copy of an opinion of the Attorney General, dated the 29th ultimo, in regard to the claim of Henry M. Rector for a patent under a location certificate, dated the 24th November, 1818, in favor of Francis Langlois, and located on the Hot springs in Arkansas, and have to request that in accordance therewith the patent may be issued.

All the papers are herewith returned.

I am, sir, very respectfully, your obedient servant,

T. EWING,

Secretary of the Interior.

COMMISSIONER OF THE GENERAL LAND OFFICE.

No. 55.

ATTORNEY GENERAL'S OFFICE,

April 29, 1850.

SIR: I have carefully considered the claim you have submitted to this office, of Henry M. Rector, for a patent under a location certificate, dated the 24th November, 1818, issued to one Francis Langlois, and located on

the Hot springs in Arkansas, on the 27th January, 1819, and am clearly of the opinion that the patent should issue. I came to this conclusion some time since, after full consideration, but delayed expressing it to you until I could hear from all the parties, or their agents, who had an interest adverse to the claim.

This I have but recently done; and, after giving the question a second careful consideration, I entertain, very decidedly, and with a perfect conviction that I am right, the opinion I at first formed.

The reasons which have led me to it I will give in detail the moment my duties in the Supreme Court are terminated; but in the mean time I advise that the patent be granted.

I have the honor to be, very respectfully, your obedient servant,
REVERDY JOHNSON.

Hon. T. EWING,
Secretary of the Interior.

No. 56.

DEPARTMENT OF THE INTERIOR,
Washington, May 7, 1850.

SIR: Caveats having been filed by the Hon. S. Borland and A. H. Lawrence, esq., in behalf of some of the parties in interest, against the issuance of the patent for the Hot springs location in Arkansas, it is proper, in my opinion, that all further proceedings in the matter should be suspended until the several interests involved in the case shall have been adjudicated. You will therefore consider my order of the 3d instant for the issue of the patent as revoked for the present.

I am, sir, very respectfully, your obedient servant,
T. EWING,
Secretary of the Interior.

COMMISSIONER OF THE GENERAL LAND OFFICE.

No. 57.

WASHINGTON, *May 16, 1850.*

SIR: Enclosed with this I send you a letter, addressed to you, which I have just received under cover from Mr. Roswell Beebe, of Little Rock, Arkansas, dated the 3d instant. It will sufficiently explain itself. So all I have to ask for it, is your early and respectful consideration and response through me.

Your compliance will much oblige the parties and myself.

I am, very respectfully, your most obedient servant,
SOLON BORLAND.

Hon. J. BUTTERFIELD,
Commissioner General Land Office.

No. 58.

LITTLE ROCK, ARKANSAS,
May 3, 1850.

SIR: In the year 1839 application was made by the late *Chester Ashley*, to the General Land Office, for the issuance of patents upon certain five-section claims, located upon lands adjoining the city of Little Rock, under the act of Congress of the 23d June, 1836, granting five sections of land to the State of Arkansas for the purpose of completing the public buildings at Little Rock, which was refused upon the ground that the terms of the law operated as a grant, and therefore no patent was necessary. The land embraced the *northwest* fractional quarter of fractional section number three, (south of Arkansas river,) in township one north, range twelve west, containing $148\frac{1}{4}$ acres of land, which at that time and theretofore was represented to have been covered by and formed a part of the location of a certain New Madrid certificate, No. 156, issued in the name of *Henry Cockerham*, under the act of Congress of February 17, 1815, for the relief of persons who suffered by earthquakes in the county of New Madrid, subsequently decided by the General Land Office to be void, so far as they were located upon lands south of the Arkansas river, and to which the Indian title had not previous to that been extinguished.

At that time and previous to said application for said patents, *Henry M. Rector*, then a resident of this place, represented himself as a part owner of said New Madrid certificate, and the lands alleged to have been located therewith, and, either in person or by attorney, urged upon the Commissioner of the General Land Office a confirmation of said claim and the alleged location, which was refused, and the whole matter fully heard and adjudicated by your department.

For a time after the settlement of that question, Mr. Rector continued to assert a claim to a portion of the land covered by the Cockerham claim, namely, the northwest fractional quarter section three. Finally the matter died away, and nothing of consequence was heard from him as a claimant to that tract of land, until some time in the latter part of the past year; about which time a report emanating from Mr. Rector became general here, and was believed by most persons, that the General Land Office had confirmed an alleged location of a New Madrid certificate, which embraced the Hot springs in this State, and that a patent would soon issue for the land covered thereby. About that time Mr. Rector again asserted a claim to said northwest fractional quarter three, and caused to be published in the *Arkansas Banner*, a newspaper published at this place, a notice to that effect, which will be found herewith annexed; therefore, as the situation and validity of these two claims, so far at least as they may attach to the land claimed to be covered thereby, are identical—at least in one respect, namely, that neither were located by any competent authority, within the life—the law which authorized such locations, and therefore the confirmatory act of February 7, 1843, did not sanction their location as to the land in question, it having in both cases been either sold, or appropriated, or reserved by the government.

By these means the title to the said fractional quarter section (the half of which belongs to me) has been slandered; arising mainly, so far as the government is concerned, out of the fact that it is generally understood that the New Madrid location, including the Hot springs, has been con-

firmed, and will be patented, (and to which, individually, I have no objection, having no interest therein,) and that, by the same rule of decision, my title to the said quarter section of land must fail. Hence I would respectfully ask for information as to the nature of the action of the General Land Office, if any, in either case, and that the department will take no action upon any claim to the said northwest fractional quarter section three, without giving either the heirs of the late Chester Ashley or myself an opportunity of being heard in the premises.

I am, with great respect, your obedient servant,
 ROSWELL BEEBE.

HON. JUSTIN BUTTERFIELD,
Commissioner of the General Land Office, Washington, D. C.

NOTICE.

I hereby notify all persons who may wish to purchase lots adjoining the city of Little Rock not to make selections on the northwest fractional quarter of section three, of township one north, range twelve west.

This land is in my actual possession, and has been for the last twelve years; and I conceive and assert that Mr. Beebe nor the heirs of the late Colonel Ashley have only the pretence of a title, and are in no way competent to control or dispose of it.

The courts of the county are open to them for the prosecution of their rights, and in no other manner can they avail themselves of the property in question.

HENRY M. RECTOR.

FEBRUARY 19, 1850.

No. 59.

GENERAL LAND OFFICE, *May 21, 1850.*

SIR: With your letter of the 16th instant, I had the honor to receive a communication to my address, to which you have specially drawn my attention, from Roswell Beebe, esq., of Little Rock.

Mr Beebe refers to the location of a five-section claim, in which he has an interest, on a certain tract *south of the Arkansas river*, which had also been covered by a New Madrid claim represented by Mr. Rector in the name of Henry Cockerham. He next refers to a report that the New Madrid claim of Langlois had been recognised to the "Hot springs."

Mr. Beebe seems to apprehend that the rule of the decisions in the case of the "Hot springs" may apply to the land in which he is interested, and he therefore asks for information as to the nature of the action of the General Land Office, if any, in either case, and that the department will take no action upon any claim to the tract in which he is interested without giving either the heirs of the late Chester Ashley or himself an opportunity of being heard in the premises.

In regard to the "Hot springs" location, I beg leave to state, that by the decision of this office it was held to be invalid; that an appeal was taken to the supervisory power, and that an opinion has been rendered by the Attorney General recognising its validity under existing laws; but that in consequence of alleged pre-emption claims, the issuing of a patent,

under orders from the Department of the Interior, is held in suspense until the adverse pre-emptions are further heard in the premises.

No recent application appears to have been made to this office for action in the *Cockerham* case, in view of the opinion alluded to from the Attorney General. Should that case be called up, Mr. Beebe shall of course have an opportunity of being heard before any further definitive action in the matter.

With great respect, your obedient servant,
J. BUTTERFIELD,
Commissioner.

Hon. SOLON BORLAND,
Senate United States.

No. 60.

GENERAL LAND OFFICE, May 21, 1850.

SIR: The Langlois New Madrid location on the "Hot springs," in Arkansas, in which the Attorney General has given an opinion recognizing its validity, is held in suspense at this office under orders from the Department of the Interior, until certain adverse pre-emptions are heard.

In regard to this matter, I have received a letter dated the 16th instant from the Hon. Solon Borland, of the Senate, accompanied by one of the 3d instant from Roswell Beebe, esq., of Little Rock, in which the latter gentleman seems to apprehend that the rule of decision in the "Hot springs" case will apply to another New Madrid claim in the name of Henry Cockerham on land *south of Arkansas river*, which is covered by a *five-section claim* in which Mr. Beebe is interested.

Mr. Beebe desires that no action be had in this latter case until the heirs of the late Chester Ashley or himself shall have had an opportunity of being heard.

In reference to any final proceedings which you may be pleased to order in the matter, I beg leave to submit for your consideration copies (A and B) of the aforesaid letters from Messrs. Borland and Beebe, with a copy of my reply of this date.

Very respectfully, your obedient servant,
J. BUTTERFIELD,
Commissioner.

Hon. THOMAS EWING,
Secretary of the Interior.

B.

Schedule of the papers in reference to the pre-emption claims to the Hot springs in Arkansas.

- A. Certified copy from the Washington land office of the testimony relative to the claim of the heirs of John Perciful, under act of 12th April, 1814, and accompanying papers, marked A 1, A 2, A 3, and A 4, received at the General Land Office 29th December, 1838.

- B. Certified copy, from the same district land office, of the testimony in the claim of Ludovicus Belding, or Lydia Belding, under act of 29th May, 1820.
- C. Affidavits received in letter of H. M. Rector, dated 29th April, 1843, adverse to the claim of John Perciful's heirs.
- D. Further testimony in support of the Perciful claim, received in letter of Hon. Edward Cross, dated 4th December, 1843.
- E. Testimony in reference to the claim of William Davis and Sarah Davis, his wife, late Sarah Folsom, under act of 12th April, 1814, received in letter of Lawson Runyon of 23d December, 1843.
- F. Letter of Lydia Belding to J. W. Breedlove, esq., of 8th February, 1844, with enclosures A, B, C, and D, having relation to her claim; filed in the General Land Office by said Breedlove, 30th March, 1844.
- G. Letter from Lawson Runyon of 23d December, 1843.
- H. Letter from John Wilson of 16th July, 1844.
- I. Letter from Hon. C. Ashley of 10th February, 1845.
- K. Letter from Lawson Runyon of 26th September, 1846.
- L. Letter from A. H. Lawrence of 28th May, 1850, to Secretary of the Interior.
- M. Letter from A. H. Lawrence of 28th May, 1850, to Commissioner.
- N. Letters from the Commissioner to various individuals on the subject, as follows:
 - To register and receiver, Washington, Arkansas, 20th April, 1839.
 - To Lawson Runyon, 24th June, 1842.
 - To J. S. Conway, 9th March, 1843.
 - To H. M. Rector, 8th April, 1843.
 - To register and receiver, Washington, Arkansas, 4th May, 1843.
 - To J. C. Hale, 4th May, 1843.
 - To H. M. Rector, 4th May, 1843.
 - To Lawson Runyon, 31st May, 1843.
 - To Hon. E. Cross, House of Reps. U. S., 6th December, 1843.
 - To Lawson Runyon, 11th January, 1844.
 - To Secretary of the Treasury, 29th February, 1844.
 - To Hon. W. Woodbridge, Committee Public Lands, U. S. Senate, 5th June, 1844.
 - To John Wilson, 19th July, 1844.
 - To Hon. C. Ashley, Senate U. S., 12th February, 1845.
 - To Lawson Runyon, 22d October, 1846.
 - To Hon. W. K. Sebastian, Senate U. S., 15th June, 1848.
 - To Secretary of the Interior, 29th May, 1850.

GENERAL LAND OFFICE, June 10, 1850.

A.

The statement of Sarah Perciful, made on oath in the house of Samuel P. Carson, in the town of Hot Spring, in the county of Hot Spring, State of Arkansas, on the 2d day of June, 1838.

This affiant states that, on the 5th of May, 1814, she reached the Hot springs in company with her uncle and others, and her uncle rented a

cabin and a small piece of ground from John Perciful, who was then in possession of and claiming the springs, and all the houses, clearings, and improvements, claimed by John Perciful, were on the same quarter section with the Hot springs and near to the springs.

Affiant states that there were a number, probably thirty, of cabins and shelters around the springs, and between an acre and an acre and a half of land cleared—all claimed by John Perciful—and as far as this affiant knows, was claimed by no one else at that time.

The clearing was under fence, and the fence was an old one, and not a new rail on it, as I saw and recollect, and in condition then to be sowed or planted, and a part of it my uncle rented for a garden. The place—that is, the clearing—looked as if it had been cleared for some time, and been in cultivation for several years prior to that time.

At that time, viz: 5th May, 1814, and a few days after, there were old corn stalks on the portion rented by affiant's uncle, and squash vines and cabbage stalks and pea sticks, and affiant understood from many persons at the springs that the clearing spoken of had been in cultivation for several years before, by Perciful and others living in his cabins, and to whom he had rented. Perciful was in possession, claiming to be and understood by all to be the sole proprietor, and every one that came to the springs rented of him. In the summer of 1814 there was a family by the name of Foster, who stated that they had been to the same place in the summer of 1813, and that they had rented a part of the same clearing from Perciful and raised vegetables on it.

In January, 1815, affiant was married to John Perciful, and they have been in possession of the springs ever since. At one time they went to Red river and remained about nine or ten months—this was in 1819—but during that time Perciful had rented, as usual, to persons who came to the springs, and returned once while she was absent to the springs. There was a Frenchman by the name of Joseph Martin, who had an improvement on the Washita about seven miles from the springs, who became so afflicted that he was incapable of taking care of himself, and Perciful took care of him, and he was kept and attended to after that by Perciful and his family.

The place on Washita was claimed by Martin as his settlement right under the law of 1814, and he gave it to Perciful for his kindness and attention to him. Martin lived until 1819, and then died, and Perciful had and retained possession of that place under the gift from Martin before spoken of, but never claimed the place as a settlement right.

There was a man by the name of Ebenezer Falsome, who had a settlement on the Washita river near to that of Joseph Martin, who moved his family and cattle up in 1814, near to the Hot springs, and into a house that at that time looked like a new one; as this affiant recollects, there was no cultivation or clearing or improvement on Falsome's place, except a pole fence around the house and a cow-pen.

In 1815 this affiant thinks Falsome got a man by the name of Lovell to run off his settlement right at his place on the river, and claimed it under the pre-emption law of 1814, and never, as far as this affiant knows, in his lifetime, made claim to the springs by virtue of the house and improvements before spoken of, but that house was made to bring his family up, for the use of the water, and to give his cattle the benefit of the summer range.

Perciful came to the springs in 1809, as he told this affiant before they

were married, and commenced his improvements, and he made many persons build these houses for the use of the water and board, &c.

John Perciful died the 26th July, 1835, and has but one child, David Perciful, who is his only heir, and this affiant is his widow.

The possession of the springs has never been relinquished, but has continued in said Perciful and this affiant from 1814, as this affiant knows of her own personal knowledge, up to this date, the 2d June, 1835, without interruption. And further this deponent saith not.

her
SARAH + PERCIFUL.
mark.

Sworn to before me, and subscribed in my presence, by Mrs. Sarah Perciful, to me personally well known, at the Hot springs, in Hot Spring county, in the State of Arkansas, this 2d day of June, A. D. 1838.

DANIEL RINGO,

Chief Justice of the Supreme Court of the State of Arkansas.

—

The statement of Warren Dunham, made at the same time and place, and on oath.

Affiant reached the Hot springs on the 18th of June, 1814, and found between twenty and thirty cabins erected about the springs, and about an acre and a half of land cleared and under fence, and had the appearance of having been cultivated for several years before; and a man by the name of John Gibbons told affiant that he had rented a part of it for two years before from John Perciful, and cultivated it when affiant reached the springs. The clearing was under cultivation, principally in corn, beans, and cucumbers, and they were growing finely.

John Perciful claimed to be the proprietor of the place, and all that came got in by his consent and rented of him; and no other person at that day, that this affiant ever heard of, set up a claim to the springs, and the possession has continued in him and his widow up to this time, as this affiant believes. Mrs. Perciful, the widow of John Perciful, was at the springs when this affiant reached here in 1814.

Ebenezer Falsome lived on the Washita river. His clearing, and cultivation; and permanent residence in 1814 was at that place; and he told affiant he claimed that place under the law of 1814; and he asked affiant that if he had it surveyed, it would not be good evidence of his settlement-right, and entitle him to the whole quarter section; and he had the survey made and a plat taken, which this affiant saw in 1822 or 1823.

This affiant always understood from him that he claimed the place on Washita by virtue of his settlement and improvement, and no other, and he was fearful, without he had a survey and plat, that he might not hold all of that. Affiant lived with him in the winter of 1814-'15, at his place on the Washita; and he had the survey made that winter. He had ten or fifteen acres cleared and under fence, and they looked as if they had been cultivated for several years. Falsome was killed in 1817; and his widow and family have remained in possession of that place ever since.

Falsome had a small house near the springs; and on the 4th of July,

1814, when this affiant was at the house, there was no clearing, and no appearance of cultivation. This affiant is certain that he saw not a hill or a stalk of any vegetable growing, and they left in August; and Falsome told affiant that he built the house and moved up here in the summer for the benefit of the stock range, and to sell his butter, and milk, and beef at the spring, but certainly claimed no right, nor ever disputed Perciful's.

WARREN DUNHAM.

Sworn to before me, and subscribed in my presence, by Warren Dunham, to me personally well known, at the Hot springs, in Hot Spring county, in the State of Arkansas, this second day of June, A. D. 1838.

DANIEL RINGO,

Chief Justice of the Supreme Court of the State of Arkansas.

Additional testimony of Warren Dunham, July 2, 1838.

STATE OF ARKANSAS, *county of Hot Spring:*

Be it remembered, that on the second day of July, in the year of our Lord eighteen hundred and thirty-eight, Warren Dunham personally came before me, the undersigned, a justice of the peace within and for said county of Hot Spring, in the State aforesaid, and being by me first duly sworn, deposeth and saith: That the deposition made by him, the said Dunham, on the second day of June ultimo, before Daniel Ringo, chief justice of the supreme court of the State of Arkansas, with regard to the pre-emption right of the widow and son and only heirs of John Perciful, deceased, to the quarter section of land which includes the Hot springs, is true; and said Dunham further swears that the said springs are included in the southwest quarter of section thirty-three, in township two south of the base line, in range nineteen west of the fifth principal meridian.

This affiant further states, that in the year eighteen hundred and twenty-eight John Perciful, deceased, leased the said Hot springs and improvements to one Lodovicus Beldon for the term of five years, who *remained in the possession of said property for two years* or thereabouts, and then sold the lease to one Asa Thompson. He, Thompson, remained in possession for one year, or near that time, and then sold the lease for the remaining two years to Richard C. Hawkins, who delivered over the possession to Perciful at the expiration of the time. There was a garden cultivated by Perciful, about half of which is on the quarter section before described, and was cultivated for many years in vegetables of various kinds, a corn-patch for roasting-ears, &c. The said garden was cultivated by Beldon in the years 1828 and 1829, and afterwards by Thompson and Hawkins. This deposition is annexed by wafers to the before-mentioned deposition made before Daniel Ringo, chief justice, in presence of the subscribing justice of the peace, and in presence of the clerk of the superior court for said county. Affiant also states that Beldon cultivated, in the years 1828 and 1829, a garden near the houses, and which is entirely included in the quarter section described. Affiant also states that he knows the principal facts set forth in the deposition of Sarah Perciful in the premises aforesaid to be substantially true.

WARREN DUNHAM.

Sworn to before me, and subscribed in my presence, by Warren Dunham, to me personally well known, at the Hot springs, in Hot Spring county, in the State of Arkansas, this second day of July, A. D. 1838.
S. A. EMERSON, J. P.

I, S. A. Emerson, the subscribing justice of the peace for the county and State aforesaid, do certify that I have been acquainted with Warren Dunham, the subscribing witness to the foregoing deposition, for some years, and that the said Dunham has filled the office of county judge for some years past, and bears an unblemished character for truth and honesty, and is entitled to full faith and credit on oath.

Date above written.

S. A. EMERSON, J. P.

Additional testimony of Sarah Perciful, July 2, 1838.

STATE OF ARKANSAS, county of Hot Spring:

Be it remembered, that on the 2d day of July, in the year of our Lord one thousand eight hundred and thirty-eight, Sarah Perciful personally came before me, the undersigned, a justice of the peace in and for the county of Hot Spring and State aforesaid, and being by me first duly sworn, deposeth and sayeth: That, in addition to the deposition made by the said Sarah before Daniel Ringo, chief justice of said State, on the 2d day of June ultimo, in the case of a pre-emption right having been claimed by her late husband, John Perciful, deceased, and which claim includes the Hot springs, deposeth and sayeth: that she is unlearned and has no knowledge of letters or figures, and therefore cannot say of her *own knowledge* anything about sectional, township, or other lines. But from what she was told by the deputy surveyor, (Mr. Hall,) who surveyed the township, or the part on which she lives, and also from what she has been told by others who understand, she believes the quarter-section which contains and includes the Hot springs to be the southwest quarter of section thirty three (33) of township two south of the base line, in range nineteen (19) west of the fifth (5th) principal meridian. Affiant further states, that one Lodovico Beldon leased said springs and improvements from her husband, John Perciful, in the year 1828, for the term of five years, and that said Beldon lived on the said quarter section which includes the springs, and cultivated a garden which had for many years before been cultivated by Perciful or his lessees, about one-half of which clearing is on the quarter section which includes the Hot springs as above described, for two years, to wit: the years 1828 and 1829; and the said Beldon also cultivated a garden attached or near to the houses he occupied, all of which garden is included in the quarter section before described. The before mentioned gardens were cultivated in various vegetables and some corn in both the years which Beldon resided at the springs, to wit: in the years eighteen hundred and twenty-eight and eighteen hundred and twenty-nine, (1828 and 1829.) Affiant further states, that in the latter year (1829) or thereabouts, he, Beldon, sold his lease to one Asa Thompson; said Thompson occupied said springs for one year, and sold out to Richard C. Hawkins, who kept the springs the

remaining two years, then delivered the possession over to Perciful. Perciful shortly afterwards sold half his interest to said pre-emption to James Conway, esq., now governor of this State, and the springs were leased to or put in the possession of Samuel Rayburn, brother-in-law of said Conway; and since the death of my husband, I purchased the right of Governor Conway which had been conveyed to him by my husband, and he conveyed to me by deed. All of which is matter of record in the office of the clerk of the court for the Hot Spring county and State aforesaid; and the possession was restored to her, and the said Sarah and her son, David—to her in right of the half sold by her husband and reconveyed to her by Conway; and to her son in his own right, as only heir to the remaining half, and which possession I, the said Sarah, have held in person ever since.

her
SARAH × PERCIFUL.
mark.

Sworn to and subscribed in my presence by Sarah Perciful, to me well known, and who is entitled to full faith and credit on oath, at the Hot springs and State aforesaid, on the 2d day of July, A. D. 1838.

S. A. EMERSON, J. P.

Deposition of David Perciful.

STATE OF ARKANSAS, *county of Hot Spring:*

Be it remembered, that on the 2d day of July, in the year of our Lord one thousand eight hundred and thirty-eight, (1838,) David Perciful personally came before me, the undersigned, justice of the peace in and for the county of Hot Spring and State aforesaid, and first being duly sworn by me, deposeth and sayeth: That he is the son and only surviving child of John Perciful, deceased, (as he is advised and believes,) and of Sarah Perciful, widow of said John, deceased. That he, (David,) according to the family record, was born on the eleventh day of December, 1815; that since his first recollection his father, the said John Perciful, deceased, claimed the Hot springs under a pre-emption right, having been, as he stated to this affiant, the first person who made improvements with the intention of claiming them by virtue of a settler's right; and said affiant further stated that he never heard of any other claim until some time in the year 1820; he has understood that James Conway, now governor of the State, run out a tract of land, including the springs, called a "New Madrid claim." The statements of Sarah Perciful, his mother, and Warren Dunham, esq., who have testified in this case, affiant states to be true to the best of his belief and knowledge—all at least which have occurred since his recollection.

Affiant further states that the quarter section of land which includes the Hot springs, and for which he and his mother now make application in right of John Perciful, deceased, is the southwest quarter of section thirty-three, of township two south of base line, in range nineteen west of the fifth principal meridian; and further this deponent sayeth not.

DAVID PERCIFUL.

Sworn to and subscribed in my presence by David Perciful, to me well known, and entitled to full faith and credit on oath, at the Hot springs, State aforesaid, on this 2d day of July, 1838.

S. A. EMERSON, *J. P.*

July term of county court, A. D. 1838.

STATE OF ARKANSAS, county of Hot Spring:

I, Ira A. Sabin, clerk of the circuit court, and ex-officio recorder for the county of Hot Spring, in the State aforesaid, do hereby certify that S. A. Emerson, the subscribing justice of the peace to the foregoing affidavits or additional testimony of Warren Dunham and Sarah Perciful, and also to the original deposition of David Perciful, all of which testimony is in favor of the pre-emption right of John Perciful, deceased, to the quarter section of land therein described, and which includes the Hot springs, and which is hereunto annexed by thread and wafers, is an acting justice of the peace in and for said county of Hot Spring and State of Arkansas; and that all his official acts, as such, are entitled to respect, faith, and credit.

Given under my hand and seal of office this second day of July, A. D. eighteen hundred and thirty-eight.

IRA A. SABIN, [L. s.]
Clerk.

July term of county court, 1838.

STATE OF ARKANSAS, county of Hot Spring:

I, Granville Whittington, judge in and for the county court of Hot Spring county, now in session, do certify that Ira A. Sabin, whose official signature and seal of office accompanies the foregoing deposition, as stated in his certificate, is the clerk of said court, in and for said county, and that all his official acts are entitled to full faith and credit.

Given under my hand and seal in term time, July 2, A. D. 1838.

G. WHITTINGTON, [L. s.]
Judge County Court.

STATE OF ARKANSAS, county of Hot Spring:

I, Ira A. Sabin, clerk of the circuit court in and for the county of Hot Spring and State aforesaid, do hereby certify that Granville Whittington, whose signature is placed to the above certificate, is at this time the legal judge of the county court of Hot Spring county, in the State aforesaid.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office, this 2d day of July, A. D. 1838, and of our independence the sixty-second year.

IRA A. SABIN, *Clerk.*

STATE OF ARKANSAS, county of Pulaski, ss:

Richard C. Hawkins, being first duly sworn, states on oath that in the year 1828 Ludovicus Belding leased the Hot springs in Hot Spring county, Arkansas, from John Perciful, and took possession of them, the same year, or five years. In the early part of the year 1830 Asa Thompson took

possession of the springs, under Belding's lease, for the residue of his term; and, on or about the 21st of August of the same year, (1830,) this affiant bought out the lease from the said Thompson for the last two years of the said lease, commencing on the 1st January, 1831, and ending the 1st January, 1833—on which day, to wit: the 21st of August, or thereabout, the said John Perciful, Belding, Thompson, and this affiant met together, and, by consent and agreement of each of them, and in the presence of all of them, the lease of Perciful to Belding, and the sub-lease from Belding to Thompson for the residue of his term of five years, as aforesaid, were cancelled and surrendered up, and this affiant became the lessee of the said Perciful, and executed his obligations to him for the same for the two remaining years of the term aforesaid, and delivered possession of the same to the said Perciful in pursuance thereof.

This affiant has been acquainted with the affairs at the springs since May, 1829; and the right to the springs, of whatever character it may have been, was recognised by all the tenants to be in the said Perciful; and, in the years 1829, '30, '31, and '32, from a half acre to an acre of land near to the spring and on the same quarter section, as this affiant is informed and believes, was in cultivation as a garden and truck patch, in which were raised corn, peas, beans, potatoes, cabbage, &c.; and the said affiant states that in the year 1829 the said Belding was in possession of, and cultivated, said ground, as aforesaid, under the lease from said Perciful, and in the year 1830. and up to the first of January, 1831, the said Thompson was in possession of the said place, under the lease aforesaid. And further this affiant sayeth not.

RICHARD C. HAWKINS.

STATE OF ARKANSAS, county of Pulaski, ss:

This day the within-named Richard C. Hawkins appeared before me, a justice of the peace in and for the county aforesaid, and made oath, according to law, to the foregoing affidavit, and signed and acknowledged the same in my presence, at Little Rock, 22d June, 1838.

JOHN HUTT, J. P. P. C.

The statement of Silas Dod, made at the office of Jesse Brown, esq., in the town of Little Rock, Pulaski county, Arkansas, on the 6th of June, 1838, on oath.

This affiant states that in 1812, and he thinks in the month of June, he was at the Hot springs in Arkansas, and that John Perciful, deceased, was in the possession of them. There were several cabins around the springs, and about an acre cleared, fenced round, and in cultivation in peas, beans, pumpkins, and other truck; and affiant understood, from Perciful and every one there, that it was Perciful's.

Affiant states that he understood, and, from all the information he had at the time, viz: 1812, he verily believes, the place and improvement belonged to, or was claimed by, John Perciful, deceased; and that was the belief and statement of every one at the springs with whom he spoke on the subject, (and it was frequently the subject of conversation,) and he never heard of any other claim at the time.

Affiant has been long acquainted with Warren Dunham and Mrs. Sarah

Perciful, widow of John Perciful, deceased, and states that any facts stated by them on oath are entitled to the greatest credit; and their character for veracity and truth never has been impeached, so far as this affiant knows or believes.

SILAS DOD.

Subscribed and sworn to before me, Jesse Brown, mayor of the city of Little Rock, and justice of the peace, by the said Silas Dod, according to law.

Given under my hand this 6th day of June, 1838.

J. BROWN, *Mayor*.

LAND OFFICE, WASHINGTON, ARKANSAS,
September 27, 1838.

We, the undersigned, register and receiver, as aforesaid, certify that the foregoing is a true copy of the original depositions now on file in this office.

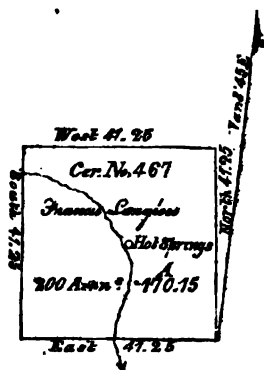
D. T. WITTER, *Receiver*.
GEO. CONWAY, *Register*.

[Endorsement.]

LAND OFFICE, WASHINGTON, ARKANSAS,
September 27, 1838.

This claim is rejected, it appearing from the official plat on file in the register's office that a portion of the land herein described, and the part sought to be entered by claimants, have been located by New Madrid certificate No. 467, in the name of Francis Langlois or his legal representatives, for two hundred arpens.

GEO. CONWAY, *Register*
D. T. WITTER, *Receiver*



CERTIFICATE No. 467.—(Var. $8^{\circ} 45'$ east.)

Surveyed for Francis Langlois or his legal representatives, who claims location by virtue of certificate No. 467 issued by Frederick Bates, recorder

of land titles, on the 26th of November, 1818, two hundred arpens, equal to one hundred and seventy and fifteen hundredths acres of land, beginning at the main Hot spring of Arkansas; thence south 45° east on an unmarked line 29.17 chains, where set a post the southeast corner of said survey, from which a pine twenty-four inches in diameter bears north 7° east 40 links, and a pine 16 inches in diameter bears north 67° west 53 links, each marked P. S. and B. T.; thence north with the line of the survey, at 204 links a white oak thirteen inches in diameter, at 41.25 chains set a post, the northeast corner of said survey, from which a pine 16 inches in diameter bears north 45° east 14 links, and a black oak eight inches bears south 68° west 15 links, each marked P. S. and B. T.; thence west at 355 links a white oak 24 inches in diameter, at 41.25 chains set a post, the northwest corner of said survey, from which a white oak 16 inches in diameter bears north 10° east 48 links, and a white oak 18 inches in diameter bears south 58° east 56 links, each marked P. S. and B. T.; thence south at 60 links a white oak, at 12.10 chains Hot spring creek bears east, at 41.25 chains set a post, the southwest corner of said survey, from which a black oak six inches in diameter bears north 48° east 21 links, and a black oak 10 inches in diameter bears north 28° west 50 links; thence east at 563 links a black oak 12 inches in diameter, at 18.87 chains Hot spring creek bears south, at 41.25 chains the southeast corner of said survey.

In conformity with instructions from the surveyor general, I have surveyed the foregoing location or claim in the name of Francis Langlois, so that the main Hot spring is in the centre thereof.

JOHN C. HALE,
Deputy Surveyor.

FEBRUARY 28, 1838.

General WILLIAM RECTOR,
*Surveyor of the Public Lands for the State of Illinois
and Territory of Missouri:*

The undersigned applies for the entry or location of two hundred arpens of land to satisfy a certificate issued by Frederick Bates, recorder of land titles for the Territory of Missouri, to Francis Langlois or his legal representatives, dated the 26th of November, 1818, numbered four hundred and sixty-seven, to be surveyed in a square tract, the lines of which to be corresponding with the cardinal points, and to include the Hot springs (so called) upon the waters of Ouachita river, south of the river Arkansas; the said spring to be as near the centre of the square as circumstances will admit. An order of survey is solicited, and directions agreeably to this notice. The springs to be included are those generally known as the largest and most resorted to upon that river.

S. HARMOND.
ELIAS RECTOR.

ST. LOUIS, *January 27, 1819.*

[No. 467.]

OFFICE OF THE RECORDER OF LAND TITLES,
St. Louis, November, 26, 1818.

I certify that a tract of two hundred arpens of land situate in bayou St. John, in the county of New Madrid, which appears from the books of this office to be owned by Francis Langlois, "has been materially injured by earthquakes, and that in conformity with the provisions of the act of Congress of the 17th of February, 1815, the said Francis Langlois or his legal representatives is entitled to locate two hundred arpens of land on any of the public lands of the Territory of Missouri, the sale of which is authorized by law."

[Com. Req., vol. 5, p. 88.]

FREDERICK BATES.

MISSOURI TERRITORY, *county of St. Louis:*

I do hereby assign, transfer, and set over all my right, title, claim, and interest, for myself and as attorney in fact for Francis Langlois, to or in the within certificate, and all the benefits and rights to be secured therefrom to Samuel Harmond, his heirs and assigns, for and in consideration of the sum of six hundred and forty dollars, which sum I have received from the said Harmond in full consideration for the premises aforesaid. Witness my hand, this 4th day of January, 1818.

JOSH. STORY,
Attorney in fact for FRANCIS LANGLOIS.

SURVEYOR GENERAL'S OFFICE,
Little Rock, Arkansas, June 27, 1838.

I certify that the foregoing survey, application for survey, certificate, and diagram, &c., are correct copies of the original of record in my office.

EDW. CROSS,
Surveyor of Public Lands.

A—No. 2.

HOT SPRINGS, *August 2, 1838.*

GENTLEMEN: Judge Ellis wrote me from Washington that he had deposited the depositions with you, which I forwarded by him to your office, in favor of the widow and only son of John Perciful, deceased, to a pre-emption right to the quarter section of land which includes the Hot springs.

He says that Mr. Witter seemed indifferent to all he said, and remarked that it appeared from the official record that there was a *claim* located on the springs, which to him was *prima facie* evidence of the validity of said claim. I presume Mr. Witter is right in this decision, but it is extraordinary that I cannot have the evidence I send placed on record and a transcript of the record sent to the Commissioner of the General Land Office for his decision.

Judge Ellis also states that Mr. Witter remarked that *some regard to form ought to be observed* in taking depositions, &c. In a full and clear conversation with Mr. Conway at the Rock, he advised me of the *additional* proof necessary to be made, and gave me, in his own hand-writing, the form required. I pursued it *verbatim et literatim in the additional* testimony which was attached to that which was previously sent by Judge Dunham. The previous testimony was principally taken before Judge Ringo, and drawn up by Mr. Traphal, who certainly stands high in his profession at the Rock. I thought these men understood the necessary forms. But further, I wrote to Judge Cross, and have his letter in answer, which shows that, so far as *form* is concerned, the depositions first taken could not be deficient in that respect, and Mr. Conway said the only deficiency was *not* specifying the *particular quarter section, &c., claimed* by the witnesses, instead of an *application* by Mrs. Perciful and her son.

To that point I directed my attention, and proved beyond a doubt the specific quarter. I now request that the depositions delivered to you by Judge Ellis shall be considered by you, and a transcript sent by you to the Commissioner of the General Land Office at Washington city. If, however, you should not think it consistent with your duty, be so good as to return the depositions by Mr. Sutton, the bearer of this, together with your reasons for not doing so.

I am, very respectfully, your obedient servant,
S. P. CARSON.

Messrs. WITTER and CONWAY,
Land officers at Washington, Arkansas.

P. S.—Judge Ellis also stated, in the close of his letter, that Mr. Conway was not in the office when he delivered the papers, but that a young gentleman was acting in his absence. I hope when Mr. Witter meets or when he did meet Mr. Conway, that they will at least concur in the propriety of certifying the testimony up to the General Land Office.

S. P. C.

I certify that this is a true and correct copy of a letter sent to Messrs. Conway and Witter by Mr. Sutton, on the 2d August, 1838.

WM. B. BURDEN.

A—No. 3.

HOT SPRINGS, June 9, 1838.

GENTLEMEN: I have employed Judge Dunham to go to your office and make application for a pre-emption right, in favor of Sarah Perciful, widow, and David Perciful, son and only heir of John Perciful, deceased, for the quarter section of land which contains the Hot springs.

I made an arrangement some time since with Judge Cross for the payment of the entry money, (\$200,) which, I am advised by him, has been communicated to Mr. Witter. I am also advised by Judge Cross that it appears from the records of his office that a New Madrid claim has been located on said Hot springs, and that it may be considered by you as

"*prima facie*" evidence in favor of that claim, and will probably prevent you from granting a certificate to Mrs. Perciful and her son, although you might be convinced of the illegality of the New Madrid location. Should this be the case, you will do me the favor to have all the testimony sent by Judge Dunham, and all that may be in your office (I understand that some depositions, taken in the lifetime of Perciful, in favor of his right, were sent from Clarke county and deposited in the land office at Washington) transcribed and certified, so that I can send authenticated copies to Washington city. Any fees or charges will be paid by Judge Dunham. A reference to the "Compilation of Land Laws," which is doubtless in your office, and to those particular acts which relate to "New Madrid" claims, will at once convince you that it cannot possibly hold here, (see act of February, 1815,) because they were restricted to the limits of the Missouri Territory in the first place, and then to lands the sale of which is authorized by law; meaning clearly the land the sale of which ~~was~~ authenticated by law at the *date* of the act, to wit, in February, 1815. The opinion of the Attorney General, Mr. Butler, may prevent a certificate under the act of 1814. Whatever you may think of the correctness of his opinion, I presume you are instructed to act in conformity with it. I view it as obviously *incorrect*; but should I fail under the act of 1814, the subsequent acts will avail me, as I view the New Madrid claim as nothing. The purchase by me of one-half of the interest and right of Mrs. Perciful and her son, will explain why I take an active part in the matter. If consistent with your convenience, I would be gratified to be favored with the reasons which will govern your decision in this case. A *full transcript* of all the testimony (should you refuse a certificate) will be absolutely necessary, as I shall enter forthwith a protest, and wish the evidence to accompany it.

Very respectfully, your obedient servant,

MESSRS. WITTER AND CONWAY,

Land officers at Washington, Hempstead county, Arkansas.

A—No. 4.

HEMPSTEAD C. H., ARKANSAS,
September 27, 1838.

SIR: I have just got the land officers at this place to act upon Mrs. Perciful's pre-emption claim, which you will perceive has been rejected.

You herewith have a certified copy of the depositions, and the opinion of the officers.

I paid \$10 for copying the depositions, which you can remit me by mail or otherwise.

Respectfully, your obedient servant,

O. M. OAKLEY.

Colonel S. P. CARSON,
Hot Springs, Arkansas.

B.

STATE OF ARKANSAS, *county of Hot Spring*.—UNITED STATES OF AMERICA.

Pre-emption right.—Lydia Belding, in right of her husband, Ludovicus Belding, deceased.

March 7, 1839, personally appeared before me, A. N. Sabin, a justice of the peace, Lydia Belding, and being first sworn for this purpose, deposeth and sayeth, that she and her said husband were living at the Hot springs in February, A. D. 1828, on the southwest quarter of section 33, township 2 south, range 19 west, or rather on the west half of the said section 33, as it is presumed that a legal subdivision of the said section 33 will leave the dwelling-house on the southwest quarter of the said section 33, and the cultivation ground on the northwest quarter of the same section, (33.) And further this deponent sayeth, that living on the west half of said section 33, February, A. D. 1828, she and her said husband continued to live at the same place throughout the whole of the year A. D. 1829; and that she and her said husband had ground enclosed with a fence, wherein they ploughed and cultivated corn, potatoes, peas, beans, &c., &c., in the year A. D. 1829; and further this deponent sayeth, that although her said husband leased many privileges in the Hot spring valley to Asa Thompson, in February, A. D. 1830, yet still she and her said husband reserved two houses for their own use, which two said houses she and her said husband had in their possession throughout all the month of May, A. D. 1830, and until August, 1830, and one of the said houses she and her said husband continued to keep possession of throughout all the year A. D. 1831, and so on until it rotted away. And further this deponent sayeth not.

LYDIA BELDING.

Before me, A. N. Sabin, justice of the peace, this 7th of March, 1839.

At the above date personally appeared before me, A. N. Sabin, a justice of the peace, Samuel Sortor, and first being duly sworn for this purpose, stated, on oath, that L. Belding resided in the Hot spring valley on the 2d day of May, A. D. 1829, and that he, L., cultivated the ground and resided there throughout all the summer and winter of A. D. 1829; and although L. Belding moved his family from the valley in the spring of 1830, yet still L. Belding reserved two houses for his own use; which said two houses were in the use and possession of Ludovicus Belding throughout all the summer of 1830. And further this deponent sayeth not.

SAMUEL SORTOR.

Done before me, A. N. Sabin, justice of the peace, March 7, 1839.

At this date, March 7, 1839, personally appeared before me, A. N. Sabin, a justice of the peace, William Davis, and first being sworn for the purpose, stated, on oath, that he (witness) ploughed the ground in the Hot spring valley in the spring of the year A. D. 1829, for Ludovicus Belding to plant, cultivate, &c.; and that he (witness) was paid for his

work and ploughing by L. Belding. And further this deponent sayeth not.

his
WILLIAM + DAVIS.
mark.

Done before me, A. N. Sabin, justice of the peace, March 7, 1839.

At this date, March 7, 1839, personally came before me, A. N. Sabin, a justice of the peace, Jonathan Bassett, and being first sworn for the purpose, deposeth and saith: that the foregoing deposition of Lydia Belding is essentially and entirely the truth as of his own certain knowledge. And further this deponent saith not.

JONATHAN BASSETT.

Done before me, A. N. Sabin, justice of the peace, March 7, 1839.

MARCH 7, 1839.

I, A. N. Sabin, hereby certify that all the foregoing witnesses are of the first respectability in our land, and their testimony in this case is entitled to full credit.

A. N. SABIN, J. P.

We whose names are hereunto subscribed do hereby certify that all the foregoing witnesses are of the first respectability, and their testimony is entitled to full credit.

LAWSON RUNYON,
DAVID BASSETT,
THOMAS HOLMAN.

STATE OF ARKANSAS, *county of Hot Spring*.—UNITED STATES OF AMERICA.

March 9, A. D. 1839.—Lydia Belding, in right of her husband, Ludovicus Belding, deceased.

Whereas it is supposed that a part of the cultivation of the said L. Belding was made on the northwest quarter of section thirty-three, township two south, range nineteen west, and a part on the southwest quarter of the same section, (33;) therefore I, Lydia Belding, in right of my husband, Ludovicus Belding, deceased, do relinquish all claim or pretension to pre-emption on the northwest quarter of section thirty-three; and if allowed by law to hold pre-emption, I wish to hold it on the southwest quarter of section thirty-three, township two south, range nineteen west.

LYDIA BELDING.

STATE OF ARKANSAS, *county of Hot Spring*:

I, Lawson Runyon, clerk of the circuit court and ex-officio recorder within and for the county aforesaid, do hereby certify that the annexed

and foregoing pre-emption proof or instrument of writing was filed for record in my office on the 18th day of October, A. D. 1841; and the same is now duly recorded in record book A of deeds and mortgages, pages 249, 250, 251.

In testimony whereof, I have hereunto set my hand as clerk aforesaid, and affixed the seal of said court, at Hot Spring, this 19th day of [L. s.] October, A. D. 1841.

LAWSON RUNYON,
Clerk and ex officio Recorder.

And I further certify, at the same time and place, that I was present at the taking of the depositions and proof of the pre-emption aforesaid, before A. N. Sabin, who was at that time an acting justice of the peace, legally commissioned and qualified, and acting in his official capacity; and full credit is due to all his official acts as such justice of the peace.

LAWSON RUNYON,
Clerk of Hot Spring Circuit Court.

—
STATE OF ARKANSAS, *county of Hot Spring, ss:*

Be it remembered, that Lawson Runyon this day personally appeared before me, John C. Kuykendal, an acting justice of the peace within and for the county of Hot Spring and State aforesaid, and on his oath deposeth and saith: That he was deputed to present the within and foregoing proof of a pre-emption right to the commissioners of the land office at Washington, Arkansas; that the same was duly filed with the register of said land office on the 10th day of March, 1839; at which time and place he tendered payment for the quarter section of land in said proof of pre-emption aforesaid mentioned, in gold and silver coin of the United States, to the full amount of one dollar and twenty-five cents per acre, or two hundred dollars, with the amount of all official and legal charges. And further this deponent saith not.

LAWSON RUNYON.

Sworn and subscribed to before me, this 18th day of November, 1841.
JOHN C. KUYKENDAL, *J. P.*

STATE OF ARKANSAS, *county of Hot Spring, ss:*

I, John C. Kuykendal, a presiding justice of the peace of the county court within and for the county of Hot Spring and State aforesaid, do hereby certify that the foregoing attestation of record is in due form, and by the proper officer, to wit: the proper clerk of the circuit court of the county and State aforesaid, who is also ex-officio recorder by virtue of his office.

Given under my hand and seal as such presiding justice, this 18th day of November, 1841.

JOHN C. KEYKENDAL, *J. P.* [SEAL.]

STATE OF ARKANSAS, *county of Hot Spring, ss:*

I, Lawson Runyon, clerk of the circuit court and county courts within and for the county of Hot Spring and State aforesaid, do hereby certify

that John C. Kuykendal is one of the presiding justices of the peace of the county court of Hot Spring county, duly commissioned and qualified.

In testimony whereof, I have hereunto set my hand as such clerk, and [L. s.] affixed the official seal of said court, at Hot Spring, this 18th day of November, A. D. 1841.

LAWSON RUNYON,
Clerk Hot Spring Circuit and County Courts.

C.

The statement of Richard C. Hawkins, on oath, made in the city of Little Rock, on the 27th day of April, 1843.

This deponent states that since May, (1829) eighteen hundred and twenty-nine, he has been acquainted with the affairs at the Hot springs, in this State; and such acquaintance was during the years of eighteen hundred and twenty nine, eighteen hundred and thirty, eighteen hundred and thirty-one, and eighteen hundred and thirty-two, by actual observation and residence at said springs.

And deponent states that during the years of eighteen hundred and twenty-nine and eighteen hundred and thirty, or up to the month of February in the year last aforesaid, one Ludovicus Belding lived at said springs by virtue of a lease held under one John Perciful, who then claimed the springs, and that said Belding did, in the summer of eighteen hundred and twenty-nine, cultivate (mostly as a garden) a small patch or parcel of ground situated almost due north of the main one of said Hot springs, and at not less than one hundred and seventy-five yards therefrom (as deponent thinks and believes,) and that said garden or piece of ground contains not more than one acre or an acre and a half of land; (and note) that, although deponent states in his deposition taken in Little Rock, on the 22d day of June, (1838) eighteen hundred and thirty-eight, before John Stule, a justice of the peace, that he believed that the improvement or cultivation spoken of in said deposition lies in the same quarter-section as the springs, yet, as deposition will show, deponent made such statement from what he was told by others, and not of what he knew, of the courses and distances of the lines of the United States surveys, for of such lines he knows and pretends to know nothing.

But deponent speaks now (as to the position of the said garden or patch) from actual observation and intimate acquaintance with the place.

And deponent states further, that although the aforementioned John Perciful claimed the Hot springs by virtue of a pre-emption, yet that said Perciful (during deponent's stay about the Hot springs, which was from the year eighteen hundred and twenty-nine to the year eighteen hundred and thirty-two inclusive) lived on his (said Perciful's) farm on the Ouachita river, about five or six miles from said springs.

And deponent also states that the aforesaid Belding gave up his possession to the springs in the early part of the year eighteen hundred and thirty, and he thinks as early as the month of February, and is certain that it was before May.

And deponent states also, that to *his own* knowledge said Belding did

not retain any house or houses at the Hot springs after he leased or gave up the premises to one Asa Thomson, but that a Mrs. Bossett, the mother-in-law of said Belding, claimed in her own right a very small cabin or house for her own particular use and benefit if she should at any subsequent time wish to return to the springs for her health, &c., &c.; and with this exception, neither Belding nor any member of his family ever claimed even the possession or right of possession to any tenement or other improvement at the Hot springs after the first of the year eighteen hundred and thirty, nor did this deponent ever understand from said Belding in his lifetime that he claimed any right of pre-emption to the Hot springs (or any benefit whatever) under the pre-emption act of May, (1830) eighteen hundred and thirty.

And deponent also states that there never was, during the time that he lived at the Hot springs, any other ground in cultivation other than the garden or patch spoken of in the preceding part of this statement or deposition; and furthermore this deponent saith not.

RICHARD C. HAWKINS.

This day personally appeared Richard C. Hawkins, to me well-known, before the undersigned, a justice of the peace in and for the county of Pulaski, and makes oath that the statements contained in the foregoing deposition are true to the very best of his belief and understanding, in the name of God, amen; and the said Hawkins signed, sealed, and delivered in my presence this his deposition, as witness my hand and seal in Little Rock, Arkansas, on the first day of May, 1843.

C. L. JEFFRIES,
Justice of the Peace.

I, David B. Greer, secretary of state of the State of Arkansas, do hereby certify that the above-signed Charles L. Jeffries is an acting justice of the peace in and for the county of Pulaski, and State aforesaid.

[L. s.] Given under my hand and seal at Little Rock, this first day of May, 1843.

DAVID B. GREER,
Secretary of State.

The statement of Charles Rapley, on oath, made in the city of Little Rock, on the 26th day of April, 1843.

This deponent states that in the summer of 1833 he boarded and lived at the house of one John Perciful, (now deceased) whose place of residence was at that time on the bank of the Ouachita river, about, as deponent supposes, six miles from the Hot springs, and that on many occasions (and voluntarily) said Perciful stated to deponent, and others who were also sojourning with said Perciful at the same time, his travels and exploits in hunting, &c., &c.; and deponent thinks that Perciful told him that he, Perciful, came first into the country in the year (1813) eighteen hundred and thirteen, and that in the year following, to wit: in the year

eighteen hundred and fourteen, as deponent understood him, he, said Perciful, settled the place on which he then lived; and deponent states that the place where Perciful then lived looked as if it had been settled for many years.

And deponent states, also, that he has been at the Hot springs frequently, and that he never saw anything there like farming in a general way, but only a garden, or the like. And further this deponent says not.

CHAS. RAPLEY.

This day personally appeared Charles Rapley (being by me well known) before the undersigned, a justice of the peace in and for the county of Pulaski, and State of Arkansas, and makes oath that the statements made in the foregoing deposition are true to the best of his recollection and belief.

Given under my hand and seal, this 27th day of April, 1843.

JOSEPH FENNO, J. P.

I, David B. Greer, secretary of state of the State of Arkansas, do hereby certify that the above signed Joseph Fenno is an acting justice of the peace in and for the county of Pulaski, and State of Arkansas.

Given under my hand and seal, this 1st day of May, 1843.

DAVID B. GREER, [SEAL.]

Secretary of State.

D.

STATE OF ARKANSAS, county of Hot Spring:

Be it remembered that Sarah Perciful, the widow of John Perciful, deceased, in right of herself and John Perciful's heirs, this day personally appeared before me, the undersigned, an acting justice of the peace within and for the county aforesaid, and on her oath deposes and says: That she is about fifty years of age, the widow of said John Perciful, deceased; the head of a family consisting of herself, one child, and one slave; for these thirty years she has been an actual settler on the public land of the United States, on a tract known and designated as the southwest quarter of section 33, in township number 2 south, of range 19 west of the fifth principal meridian, in the district of lands subject to sale at Washington, Arkansas; that she removed from Mississippi during the Creek Indian war and arrived at Hot springs early in the spring of 1814, at the house of the said John Perciful, and rented a house and garden of said Perciful, where she remained and cultivated vegetables in said spring and summer of the year A. D. 1814; and that the said Perciful also cultivated a garden in said spring and summer of 1814, at the Hot springs now embraced by said quarter section of land. He told her that he had cultivated said garden in the years A. D. 1812-'13, (eighteen hundred and twelve and thirteen) and that he, the said Perciful, had settled in said place at Hot springs A. D. 1807, and the size of the peach trees he had enclosed left her without grounds to doubt his, said Perciful's, statement. She further deposes and says: That afterwards, in the month of January, A. D. 1815, she was married to the said John Perciful, and that she and her said hus-

band, John Perciful, has held by personal residence said quarter section of land by themselves and tenants up to the time of his death, which took place A. D. 1836, and since by herself and legal representatives. And further deposes and says, that neither she nor her husband, John Perciful, ever has claimed the right of pre-emption to any other part of the public domain, and he died without owning or possessing one acre of his country's soil, and she still remains equally destitute of any part thereof. Furthermore she saith not.

her
SARAH + PERCIFUL.
mark.

Sworn to and subscribed before me, after reading aloud the foregoing deposition, this 12th of October, 1843.

ISAAC MILLER, *J. P.*

—

STATE OF ARKANSAS, *county of Hot Spring*:

Be it remembered, that Thomas Holman personally appeared before me, an acting justice of the peace, and deposes and says, on oath, that he has been acquainted with John Perciful, in the foregoing deposition, for thirty-three years, and also with Sarah Perciful, the widow of said John Perciful, for thirty years or thereabout; and further deposes and says, that the said John Perciful did build the first house at Hot springs in the years 1811 or 1812, and that the said John Perciful did cultivate on said quarter section (thirty-third section) set forth in the foregoing deposition, in the years 1812 and 1813, and said house was built previous to those years; and that he was in possession, by personal residence of himself and his family and tenants of said springs, up to his death; and that all the matters and things set forth in her said foregoing deposition relative to the right of pre-emption are true in substance and in fact. Furthermore he says not.

THOMAS HOLMAN.

Sworn to and subscribed before me on the 12th of October, 1843.

ISAAC MILLER, *J. P.*

I, Isaac Miller, do certify that the foregoing depositions are entitled to full weight and credit, as the persons are of undoubted veracity.

ISAAC MILLER.

I this day examined the foregoing depositions given by Sarah Perciful and Thomas Holman, with both of whom I have been acquainted for twenty years, and know them to be of undoubted character; and further know that the said Sarah Perciful did reside at the Hot springs, and where she was keeping a boarding-house in the year 1820 at said Hot springs, on the quarter section set forth in said depositions. This, the 27th day of October, 1843.

PHILIP S. PHYSICK.

Ex.—6.

NOVEMBER 10, 1843.

I admit a legal tender of two hundred dollars in gold coin on account of purchase money for public lands herein described, which was refused on the grounds set forth in this paper.

D. S. WILLIE, *Receiver*.

This application for a pre-emption under the act of 12th of April, 1814, is rejected on the following grounds, to wit:

First. The lands claimed were ceded to the United States by the Quapaw Indians in 1818, and were not subject to pre-emption under the act of 1814, as per opinion of Attorney General of the 3d of May, 1836.

Second. The land claimed was reserved from sale or entry by act of Congress of 20th April, 1832, and is not, in the opinion of this office, taken out of the provisions of that act by the act of March 1, 1843.

Third. That admitting the validity of the settlement, the claimant, in her proof herein, has failed to make out the case under the act of 12th of April, 1814.

D. S. WILLIE, *Receiver*.

SAMUEL O. WHEAT, *Register*.

E.

Evidence of pre-emption right.

This indenture, made and entered into this thirteenth day of March, in the year of Christ eighteen hundred and forty-one, by and between William Davis and his wife Mary Davis, (formerly Mary Fulsom,) of the county of Hot Spring, and State of Arkansas, of the first part, and Lawson Runyon, of the county and State aforesaid, of the second part, witnesseth: that the said party of the first part, for and in consideration of five dollars to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged at and before ensembling and delivery of these presents, and for and in consideration of a note of hand for the sum of five hundred dollars executed by the party of the second part, and made payable to the parties of the first part on the considerations therein mentioned, and bearing date March thirteenth, eighteen hundred and forty one, and signed by the party of the second part, the said parties of the first part have granted, bargained and sold, aliened, remised, released, acquitted, discharged, transferred, conveyed, and confirmed, and by these presents do grant, bargain and sell, alien, remise, release, acquit, discharge, transfer, convey, and confirm unto the said party of the second part, and to his heirs, executors, administrators, and assigns forever, all and singular their right, title, interest, property, possession, claim, and demand in and to the southwest fractional quarter or southwest quarter of section number thirty-three in township number two south, of range number nineteen west, containing ninety-one or one hundred and sixty acres, more or less, said fractional quarter-section being the same that was inhabited and cultivated by the wife of the said party of the first part previous to the year eighteen hundred and fourteen; and with, also, all and singular the right, title, interest, claim, and demand, whatsoever,

which have or hereafter may accrue to them in the premises aforesaid, by any act or acts of the Congress of the United States, or any legislature or agent having legal authority, and more especially all right, title, interest, claim, property, possession, and demand, which have or hereafter may accrue to them by virtue of an act of the Congress of the United States passed April twelfth, eighteen hundred and fourteen, granting pre-emption rights to inhabitants who cultivated a tract of land, &c., (acts of 14th Congress, chapter iii, section 5,) and by virtue of an act of the Congress of the United States passed April twenty-ninth, eighteen hundred and sixteen, for the benefit of those entitled to the benefits and privileges of the act aforesaid; and also all right, title, interest, property, possession, claim, and demand whatsoever, which might accrue to them by any act or acts of the Congress of the United States which are or may hereafter be passed for the relief or benefit of those entitled to the benefits and privileges of either of the acts aforesaid; with all and singular the rights and tenements, hereditaments and appurtenances, property and possession, claim and demand, whatsoever appertaining, to have and to hold to the only use, benefit, and behoof of the said party of the second part, and to his heirs, executors, administrators, and assigns, forever; and the said parties of the first, for themselves and for their heirs, do covenant with and to the said party of the second part, and with his heirs, that the premises, rights, titles, property, possession, claim, interest, and demand herein conveyed, or intended so to be, are all and singular which have or hereafter may accrue to them by any act or acts of the Congress of the United States, as hereinbefore mentioned.

In witness whereof, we have hereunto set our hands and seals the day and year first above written.

his
WILLIAM X DAVIS. [L. s.]
mark.

her
MARY X DAVIS. [L. s.]
mark.

Witnessed by
ROBERT C. KUYKENDAL,
his
DAVID X McDONALD,
mark.
LAWSON RUNYON.

STATE OF ARKANSAS, county of Hot Spring, ss:

Be it remembered, that on the thirteenth day of March, in the year of Christ eighteen hundred and forty-one, personally appeared before me, Lawson Runyon, clerk of the circuit court within and for the county of Hot Spring, William Davis, and his wife Mary Davis, to me personally well known, and acknowledged the within and foregoing instrument of writing as for their acts and deed, for the consideration and purposes therein mentioned; and Mary Davis, the wife of William Davis aforesaid, being by me first examined separate and apart from her said husband, acknowledged that she did the same freely and of her own choice, and not

through fear or compulsion, or any undue influence of her said husband, which I do hereby certify.

In testimony whereof, I have hereunto set my hand as clerk aforesaid, and affixed the official seal of my office, at Hot springs, this thirteenth day of March, in the year of Christ eighteen hundred and forty-one.

LAWSON RUNYON, *Clerk.*

STATE OF ARKANSAS, *county of Hot Spring, ss:*

I, Lawson Runyon, clerk of the circuit court and ex-officio recorder for the county aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the thirteenth day of March, A. D. eighteen hundred and forty-one, and the same is now duly recorded in record-book A of deeds and mortgages, pages 199, 200, 201, and 202.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office at Hot springs, this twenty-third day of March, A. D. eighteen hundred and forty-one, and of the United States independence the sixty-fifth.

LAWSON RUNYON,
Clerk and ex officio Recorder.

STATE OF ARKANSAS, *county of Hot Spring, ss:*

Know all men by these presents, that we, William Davis, and Mary Davis, wife of the said William, of the county of Hot Spring and State of Arkansas, for good causes and considerations thereunto us moving, have made, ordained, constituted and appointed, and by these presents do make, constitute and appoint Lawson Runyon, of the county and State aforesaid, our true and lawful agent and attorney in fact, irrevocable for the purposes following, to wit: Whereas the justice, liberality, and wisdom of the Congress of the United States, [by an act] approved April the twelfth, eighteen hundred and fourteen, and by an act approved April the twenty-ninth, eighteen hundred and sixteen, granting the right of pre-emption to persons who actually inhabited and cultivated a tract of land lying in what was then called Missouri Territory, and the then late Territory of Orleans, and which tract was not rightfully claimed by any other person, &c.; and who should not have removed from said State or Territory in becoming the purchaser of such tract from the government upon such terms and under such restrictions as therein mentioned; and being of those who were entitled to the benefits and privileges of the acts aforesaid, and not having as yet been able to avail ourselves of the benefits of said acts, and in order that justice may be done us in the premises aforesaid, now know ye, that we, William Davis, and Mary Davis, his wife, (formerly Mary Fulsom) have given, and hereby do give, full power and authority to our said attorney to do and perform all things necessary to establish and perfect any right, title, claim, or demand which have or might accrue to us by virtue of the acts aforesaid, or any other acts whatsoever which have been or may be passed for the benefit or relief of those entitled to the privileges of the acts aforesaid; and also to have the same patented in his own name or any other, to transfer, grant, bargain or sell,

or dispose of in any way he may think proper and fit for his own special use and benefit, or the benefit of his heirs or legal representatives, whenever he shall be able to secure, by virtue of the authority here given, any benefits, or rights, titles, interests, claims or demands whatsoever under the provisions of the acts aforesaid, and to do, execute and perform all things in the premises which may be requisite and necessary in as full and ample a manner as we ourselves might or could do were we personally present; also, with power of substitution, hereby ratifying all and whatsoever our said attorney shall lawfully do or cause to be done by virtue hereof.

In witness whereof, we have hereunto set our hands and seals this thirteenth day of March, A. D. 1841.

his
WILLIAM × DAVIS, [SEAL.]
mark.

her
MARY × DAVIS, [SEAL.]
mark.

In presence of us—

ROBERT C. KUYKENDAL,
his
DAVID × McDONALD.
mark.

STATE OF ARKANSAS, county of Hot Spring, ss:

Be it remembered, that on the thirteenth day of March, A. D. eighteen hundred and forty-one, personally appeared before me, Lawson Runyon, the undersigned, clerk of the circuit court within and for the county aforesaid, William Davis, and his wife, Mary Davis, formerly Mary Fulsom, to me both personally well known, and acknowledged the within and foregoing instrument of writing as for their act and deed, and for the uses and purposes therein set forth; and Mary Davis, the wife of said William, being by me first examined on the subject separate and aside from her said husband, acknowledged that she did the same freely and of her own choice, and not through compulsion, fear, or any undue influence of her said husband, and I so certify.

In testimony whereof, I have hereunto set my hand as clerk of the court aforesaid, and affixed the seal of my office at Hot springs, [L. s.] this thirteenth day of March, eighteen hundred and forty-one, A. D.

LAWSON RUNYON, Clerk.

STATE OF ARKANSAS, county of Hot Spring, ss:

I, Lawson Runyon, clerk of the circuit court and ex officio recorder within and for the county aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the thirteenth day of March, A. D. eighteen hundred and forty-one, and the same is now duly recorded in record-book A, pages 202, 203 and 204.

In testimony whereof, I have hereunto set my hand as clerk aforesaid, [L. s.] and affixed the seal of office, at Hot springs, this twenty-third day of March, eighteen hundred and forty-one.

LAWSON RUNYON,
Clerk and ex officio Recorder.

*Deposition of pre-emption claimant under the act of April 12, 1814.*STATE OF ARKANSAS, *county of Hot Spring:*

Mrs. Mary Davis, being first duly sworn for the purpose, made and subscribed the following deposition, to wit: That in the spring of eighteen hundred and thirteen she settled at the Hot springs, on the southwest quarter or southwest fractional quarter of section thirty-three, in township number two south, of range number nineteen west; that she had a dwelling-house thereon in the same year, and that she inhabited and lived upon the premises aforesaid during the years eighteen hundred and thirteen and fourteen, and that she had a part of the premises enclosed with a fence, and had corn, beans, and other vegetables planted in her said enclosure, and cultivated the same in such manner as farmers usually cultivate the soil, in the year eighteen hundred and fourteen, previous to the twelfth day of April, and that she continued to possess and inhabit the same thereafter, and that she had not at that time, nor at any time since, moved from said county or State.

her
MARY + DAVIS.
mark.

Sworn and subscribed to before me, this 7th day of April, 1841.

ISAAC MILLER, *J. P.*STATE OF ARKANSAS, *county of Clark:*

Be it remembered that on this day Jacob Barkman personally appeared before the undersigned, John S. T. Caloway, an acting justice of the peace within and for the county aforesaid, and on his oath deposes and says, that in the years eighteen hundred and thirteen and fourteen he was at the Hot springs, in the State of Arkansas, and county of Hot Spring, (which was then Missouri Territory and county of Arkansas,) and that Mary Davis, (formerly Mary Fulsom,) with her family, were living and residing at the south end of Hot Spring valley, on the east side of Hot Spring bayou, near the old grave yard; that they had a dwelling-house and other improvements there, and a lot or parcel of land enclosed with a fence, and had corn and other vegetables planted therein, and cultivated the same in the usual manner of cultivating the soil; and that he does verily believe that it was in the year eighteen hundred and thirteen that he became acquainted with the facts herein mentioned; and that said Mary and some of her family have continued to reside in the county and neighborhood of the Hot springs ever since, to this date. And further this deponent says not.

J. BARKMAN.

Sworn and subscribed to before me, this fifteenth day of May, A. D. 1841, and I so certify.

JNO. S. T. CALOWAY, *J. P.*

STATE OF ARKANSAS, county of Clark:

Be it remembered, that Isaac Cates this day personally appeared before me, John S. T. Caloway, an acting justice of the peace within and for the county aforesaid, and on oath deposes and says that, in the year eighteen hundred and thirteen he was at the Hot springs, in the county of Hot Spring and State of Arkansas, (which was at that time the county of Arkansas and Territory of Missouri,) and that Mary Davis, (formerly Mary Fulsom,) with her family, was living and residing at the south end of Hot Spring valley, on the east side of Hot Spring bayou, near the old grave yard; that they had a dwelling-house and other improvements there, and a lot or parcel of land enclosed with a fence, and had corn and other vegetables planted therein, (in eighteen hundred and thirteen,) and cultivated in the usual manner of cultivating the soil; and that said Mary Davis, (formerly Mary Fulsom,) with some of her family, have resided in the neighborhood of Hot springs aforesaid, from the date aforesaid, until this date. And further this deponent says not.

his
ISAAC + CATES.
mark.

Sworn and subscribed to before me, this fifteenth day of May, 1841, and I so certify.

JOHN S. T. CALOWAY, J. P.

STATE OF ARKANSAS, county of Clark:

I, John S. T. Caloway, do hereby certify that J. Barkman and Isaac Cates, whose names appear upon, and are subscribed to, the foregoing affidavits, are respectable citizens of the county of Clark, and their testimony is entitled to full credit.

Given under my hand this fifteenth day of May, A. D. 1841.

JOHN S. T. CALOWAY, J. P.

STATE OF ARKANSAS, county of Hot Spring:

Be it remembered that Absalom Turner this day personally appeared before me, John C. Kuykendal, an acting justice of the peace within and for the county aforesaid, and on his oath deposes and says, that he is personally well acquainted with the circumstances of the settlement, cultivation, and improvements of Mary Davis, as described in the depositions of Jacob Barkman and Isaac Cates, on the foregoing pages; that he knows said improvements, residence, and cultivation were upon the quarter section of land including the Hot springs, which said quarter section of land is known and designated as the southwest quarter of section number thirty-three, township number two south, of range number nineteen west, in the district of lands subject to sale at Washington, Arkansas. And further than this the deponent says not.

his
ABSOLEM + TURNER.
mark.

Sworn and subscribed to before me this 18th day of September, A. D. 1841.

JOHN C. KUYKENDAL, *J. P.*

STATE OF ARKANSAS, *county of Hot Spring:*

I, Lawson Runyon, clerk of the circuit court, and *ex officio* recorder, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the 19th day of September, 1841; and the same is now duly recorded in record book A, page 245.

In testimony whereof, I have hereunto set my hand as clerk aforesaid, [L. s.] and affixed my official seal, at Hot springs, March 20, 1842.

LAWSON RUNYON,
Clerk, and ex officio Recorder.

STATE OF ARKANSAS, *county of Hot Spring:*

I, Lawson Runyon, clerk of the circuit court, and *ex officio* recorder, within and for the county aforesaid, do hereby certify that the annexed and foregoing is a full, true, and complete transcript of a deed of conveyance and power of attorney, duly acknowledged by the proper officer, and of record in my office; and also a full, true, and complete transcript of the depositions taken as evidence of the right of pre-emption to the land and premises therein conveyed, taken before the proper officers acting in their official capacities, duly commissioned and qualified to act as such, and of record in the office.

In testimony whereof, I have hereunto set my hand as clerk aforesaid, [L. s.] and affixed my official seal, at Hot springs, at my office, this twentieth day of December, eighteen hundred and forty-three.

LAWSON RUNYON,
Clerk, and ex officio Recorder.

STATE OF ARKANSAS, *county of Hot Spring:*

I, Phineas Barnes, presiding justice of the county court of the county aforesaid, do hereby certify that the foregoing certificate and attestation of Lawson Runyon, clerk of the circuit court, and *ex officio* recorder, within and for the county aforesaid, is in due form, and by the proper officer.

Given under my hand and private seal, (having no official seal,) this 20th day of December, eighteen hundred and forty-three, at office.

PHINEAS BARNES, *J. P.* [SEAL.]

STATE OF ARKANSAS, *county of Hot Spring:*

I, Lawson Runyon, clerk of the circuit, and *ex officio* clerk of the county court, within and for the county aforesaid, do hereby certify that Phineas Barnes, the attesting justice whose name appears upon and is subscribed to the foregoing certificate, is duly commissioned and qualified, and acting as such.

In testimony whereof, I have hereunto set my hand as clerk aforesaid, [L. s.] and affixed my official seal at office, December 20, 1843.

LAWSON RUNYON, *Clerk.*

F.

HOT SPRINGS, *February 8, 1844.*

SIR: Your letter of the 12th January, acknowledging the receipt of my petition, &c., is before me, and from your statements there is no doubt in my mind but that R. C. Hawkins has given false evidence, in the case of Sarah Perciful, as relates to Mr. Belding's claim to the Hot springs, as you may easily see from the papers herewith enclosed. I send you these papers to satisfy you that Mr. Belding did exercise entire control of said springs in such a manner as would warrant the belief that he had other rights to the same than those obtained under a lease from Mr. Perciful. It is true that Mr. Belding did obtain by lease all the right that Mr. Perciful had to said springs in connexion with an equal right which he obtained by actual purchase from another party who had settled and improved said land in his own right. I refer to the settlement made by Mr. Millard, whose right was not derived from any one, but by a settlement made by himself in his own right—a claim over which no one ever pretended to have control. This claim was regularly transferred to Mr. Belding previous to the passage of the pre-emption law of 1829-'30; and he therefore occupied, cultivated, and had possession in his own right, derived as aforesaid, at the passage of the law, as well as full and entire possession and control of any right which Mr. Perciful had or pretended to have. But admitting that Mr. Belding had no other manner of claim but that derived from a lease from Perciful, (which is not the fact,) yet still the right of pre-emption has generally been awarded to the tenant who actually cultivated and had possession under the law.

I am aware that the papers I send you herewith are not duly acknowledged and proved in such manner as would entitle them to be admitted as evidence before a court of law; but as I believe the proof already on file fully complies with and covers all the requisitions of the law, I merely send them to you, to satisfy you that the testimony of Mr. Hawkins and Mr. Dunham are essentially false. Mr. Hawkins states that Mr. Belding leased to Mr. Thompson; that Mr. Thompson leased to him; and finally, before the expiration of Belding's lease, that he, Thompson, Belding, and Perciful all met, and the original lease of Mr. Belding was cancelled by all the parties, and that he (Hawkins) took a new lease from Mr. Perciful; when in fact, about this time Mr. Hawkins took a new lease from Mr. Belding, the original of which is herewith enclosed to you, marked [A.] This document speaks for itself. I also send you an affidavit of Mr. Hawkins, taken before a magistrate at Little Rock about the time I undertook to prove up Mr. Belding's claim. I send you this to show that, by his own affidavit, sworn to before a ministerial officer of this State, at the same date that he avers that he took a new lease of Mr. Perciful, he did actually take a lease of Mr. Belding, to wit: on the 20th of August, 1830. It is true, as I before said, this article is not so proved and acknowledged as would entitle it to come before a court of law; but if necessary hereafter, I presume the signature of the parties could be proved. I also send you a certificate, given by Mr. Thompson at the date of Mr. Hawkins's lease, from Mr. Belding. This also shows that Mr. Belding did exercise ownership over the premises; that he had leased part of the premises to Thompson, who transferred his lease to Hawkins, and with whose consent Mr. Belding executed the aforesaid lease to said Hawkins, and in all

probability Mr. Hawkins never did at any time enter into or obtain a lease from Perciful. I also send you the original transfer of Mr. Millard, showing the claim of Mr. Belding as obtained by actual purchase as well as by lease. I am not certain that a copy of this is with the other papers on file in the land office; if not, please file it and any other of the papers herewith enclosed that you may think proper.

I hope I have herein given you a full and correct account of the claim upon its real merits as it is, and also shown strong circumstantial evidence of the falsity of the testimony of Hawkins and others in relation to it; and therefore, on receipt of this, if there occurs to your mind anything more which I can do that may seem necessary or worth doing, please let me know.

I am, very respectfully, &c., &c.,

LYDIA BELDING.

Col. JAMES BREEDLOVE.

[A.]

This agreement, made and entered into at the Hot springs this twentieth day of August, in the year eighteen hundred and thirty, by and between L. Belding, of Hot Spring county, of the one part, and Richard C. Hawkins, of the State of Mississippi, of the other part, witnesseth, that the said Belding, for and in consideration of the sum of three hundred and fifty dollars, to him in hand paid (by two notes of hand given by said Hawkins to said Belding, one for two hundred and fifty dollars, payable the fifteenth of August next, and the other for one hundred dollars, payable on the first day of January, eighteen hundred and thirty-three) by the said Hawkins, the receipt whereof is hereby acknowledged, hath let, leased, granted, and given possession to the said Hawkins, his heirs or assigns, of all and singular the houses or cabins said Belding has any interest or concern in whatever, in the valley of the Hot springs, in the county of Hot Spring and Territory of Arkansas, from this day until the first day of January, eighteen hundred and thirty-three, said buildings or cabins being and constituting all the cabins in said valley, except one small cabin owned by Mrs. Bassett and the four cabins claimed by Asa Thompson; all of which cabins claimed or owned by said Thompson, together with the ten-plate stove, said Hawkins is to pay said Thompson for, and, at the expiration of said term of time, say on the first day of January, eighteen hundred and thirty-three, together with all of the houses or cabins named within this lease, and all the buildings or improvements that said Hawkins may make or cause to be made, deliver to said Belding or his assigns, in good order, except the natural wearing thereof and the risk of fire, and the cabin claimed or owned by William Davis is to be exempt from this lease; and it is expressly agreed and understood that said Belding warrants and guaranties said Hawkins in the peaceable possession of the before-named cabins against any or all persons whatever, except the United States; and, in case there should be a law passed by Congress, or the executive of the general government should dispossess, or by agent molest, the claim by which said Belding claims, and put it out of the power of said Belding to keep said Hawkins in peaceable possession, said Hawkins

is to give the whole possessions named within up to said Belding or his assigns, he or they refunding to said Hawkins the proportionable part of said rent for the time said Hawkins may lose by such act of the general government; and the said Richard C. Hawkins, his heirs, executors, administrators, or assigns, shall and will on the said first day of January, 1833, quietly and peaceably give said Belding or assigns possession of said Hot springs valley and all the improvements herein named.

In witness whereof, each party has set his hand and seal to duplicates this day and date above written.

L. BELDING.

RICHARD C. HAWKINS. [L. S.]

[B.]

STATE OF ARKANSAS, *county of Pulaski*:

Personally appeared before the undersigned, an acting justice of the peace in and for said county, [Richard C. Hawkins,] who, being sworn, says that in the month of May, 1829, he visited the Hot springs in Arkansas, (then Clark county,) and that Ludovicus Belding was then residing there, and held possession of said springs, or a part thereof, under a lease from John Perciful, and that said Belding cultivated, the same year, a small lot of ground as a garden, say about one-half acre. This deponent further says that, about the latter part of the same year, the said Belding sold the lease and possession of the springs for the remainder of the time, which was three years, to Mr. Asa Thompson, who took possession of the same about the first of the year 1830, and that the same said Thompson continued the occupancy of the same till about the twentieth of August of the same year, at which time he the said Thompson sold the lease to this deponent, and was to give possession of the same on the 1st of January, 1831, at which time (about the 20th August, 1830) the original articles of agreement between Perciful and Belding and between Thompson and Belding were all cancelled, and that this deponent executed his obligation to said Perciful for the delivery of the possession of said springs and all the houses and improvements belonging thereto, which this deponent did deliver to the said Perciful about the last of October, 1832. And further this deponent saith not.

RICHARD C. HAWKINS.

Sworn before me, and subscribed in my presence, this 23d ———, A. D. 1838.

J. BROWN, J. P.

[C.]

This is to certify that, whereas I hold L. Belding's lease for the Hot springs, and have sold all my right or pretensions to the said springs, or buildings, or improvements, or any other privilege in said Hot spring valley, unto Richard C. Hawkins, and that L. Belding having, by my consent, given said Hawkins a lease for said valley, I now declare said

lease given me by said Belding to be void and of no effect, he having paid me for the same—Hot springs, 20th August, 1830. Said lease not being in possession, I am to give it up to said Belding as soon as I can find the same.

ASA THOMPSON.

[D.]

Know all persons by these presents, that I, Nancy Miller, do bargain, sell and deliver to Alexander C. Rogers all my right, title, and interest of the houses situated at the Warm springs, and built by Josiah Millard, deceased, in the year 1828.

Given under my hand and seal, this 3d day of March, 1829.

her
NANCY + MILLER. [L. s.]
mark.

STATE OF ARKANSAS, *county of Hot Spring, ss:*

Be it remembered that on the 25th day of May, A. D. 1842, before me, the undersigned, clerk of the circuit court within and for the county aforesaid, personally appeared Samuel Sortor, to me personally well known, and stated that the buildings mentioned in the within and foregoing instrument of writing were assigned by the within named Alexander L. Rogers to the within named Wm. H. Moore, as therein mentioned, and that the same were then transferred and assigned by said Wm. H. Moore to L. Belding, as therein mentioned, and I so certify.

In testimony whereof, I have hereunto set my hand as clerk aforesaid, and affixed the seal of such court, at Hot springs, this 25th day of May, 1842.

LAWSON RUNYON, *Clerk.*

I assign the within obligation to Wm. H. Moore, this 5th December, 1828.

A. L. ROGERS.

Witness:

S. N. WEST.

JOHN BEST.

I assign all my right and interest to the within buildings unto L. Belding, for *value received this 4th March, 1830.*

WM. H. MOORE.

Filed for record, January 8, 1842.

L. RUNYON,
Clerk and ex officio Recorder.

STATE OF ARKANSAS, *county of Hot Spring, ss:*

I, Lawson Runyon, clerk of the circuit court and *ex officio* recorder in and for the county aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the 25th day of May, A. D. 1842; and the same is now duly recorded in record book A, pages 284 and 285.

In testimony whereof, I have hereunto set my hand as clerk aforesaid, and affixed my official seal, at Hot springs, this 25th day of May, 1842.

LAWSON RUNYON,

Clerk and ex officio Recorder.

G.

HOT SPRINGS,
Arkansas, December 23, 1843.

DEAR SIR: I fear you may think me somewhat troublesome in regard to pre-emption claims to the Hot springs, as you have before this explicitly informed me that no right or title whatever would be recognised relative to the land in question; but as I have ever held the opinion that Congress would not grant rights and privileges at one session and then take them away at another, and as the rights and privileges which I claim as the legal representative of others, by virtue of congressional legislation, are to me at least of much interest and importance, I have come once more to beg of you to file in the General Land Office the enclosed papers, being a copy from the record in the clerk's office in this county of the evidences of the rights and privileges due to me in manner aforesaid, the original papers whereof are now on file in the land office at Washington, Arkansas. With all due deference to your opinion on the subject, I must still think that the act passed at the last session of Congress, concerning New Madrid locations and pre-emption claims of 1814 south of the Arkansas river, fully embraced this claim, but I admit that the officers of government cannot properly admit of an entry unless the act reserving the Hot springs, &c., had been repealed; but I have no doubt that Congress will repeal that act when the matter is fairly presented to their consideration, and I am, therefore, more anxious to have my evidences of claim filed in your office, lest, in the absence of such evidence, claims of later date might be perfected, much to my prejudice. You will therefore much oblige me by attending to this request.

I am, very respectfully, &c.,

LAWSON RUNYON.

THOS. H. BLAKE, Esq.,

Commissioner of the General Land Office.

H.

NEW YORK, *July 16, 1844.*

Please allow me to trouble you with an inquiry whether *any disposition* has been made of the Hot springs in the State of Arkansas, or the lands

around it, embracing several townships. The springs are laid down on the map of the surveyor general in township two south, and range nineteen west.

I am aware that a New Madrid claim was once attempted to be located on it, and have understood that the location had been rejected. I have also been informed that pre-emptions have been claimed under old laws and rejected; but I am not informed whether any late claim has been set up or allowed under late pre-emption laws; nor am I informed whether the State of Arkansas have made any attempt to locate it under the distribution or other laws giving lands to the States.

It is no doubt known at the office that a Spanish claim is set up to the springs and several townships around it in the name of Mr. Filhiol, formerly lieutenant-governor, at Ouachita, in Louisiana. It is alleged that Mr. Filhiol was in possession of it, and rented out the same a great number of years ago. Mr. Filhiol, the son, tells me that under some of the laws formerly enacted creating a board of *commissioners*, he took testimony in relation to the matter, which was forwarded to the department over which you preside. I am the agent of Mr. Filhiol in this matter, and as such address you, and ask such information as may be in your power to give upon all the *points* above suggested. If there is any testimony on file, I shall be glad to have copies of it under the late act, if my present application shall be considered in due form; if not, information as to the mode of application is now solicited.

I am, with great respect, your obedient servant,

JOHN WILSON.

HON. THOMAS H. BLAKE,

Commissioner of the General Land Office.

I.

SENATE CHAMBER, *February 10, 1845.*

SIR: Having given notice to the Senate of my intention to ask leave to introduce a bill to grant the Hot Spring reservation to the State of Arkansas, I will thank you to furnish me with a statement of all claims set up by individuals to that land, or any portion of it, and the opinion of the Treasury Department thereon, and the reasons of the same, and all matters on file in relation to the subject, and oblige

Your obedient servant,

CHESTER ASHLEY.

HON. THOMAS H. BLAKE,

Commissioner of the General Land Office.

K.

HOT SPRINGS, *September 26, 1846.*

SIR: At our last Congress, I see among other acts an act for the adjustment of all suspended pre-emption claims in the several States and Territories, appointing the Attorney General, Secretary, and your Honor to decide

upon those claims. I desire information whether the Hot springs on the Washita, Arkansas, will be decided upon or disposed of by you under the provisions of said act. I cannot say whether that act intends to embrace all suspended pre-emption claims, or only such as have been entered and the patents withheld for some cause or other. At any rate, it seems you are authorized to offer for sale any isolated or detached parcel of land heretofore unoffered as you may judge fit and proper. I would therefore respectfully solicit your attention to the four sections reserved by Congress in 1832 at this place, which reserve seems to have been made for no definite object; and I cannot imagine any way in which this reserve can be made more useful to the public than by perfecting titles to individuals, so that extensive improvements and accommodations may be made here, and, through competition and otherwise, be made cheap and reasonable to all who visit these springs for their health. It is a matter of great importance to a large tract of country here that something should be done in that matter. Even in its present unfavorable condition it is the only source from which we obtain any means of sustaining ourselves in a country otherwise too poor for the habitation or support of many. These springs are the means of bringing thousands of dollars into the State, which would be doubled and trebled by the settlement of the title or disposition of the land. If by the reserve it was intended to make these springs more available to the public, that object is and must remain entirely defeated while things remain in their present condition; for the premises are occupied by individuals who claim by pre-emption, and they exercise as full and complete control over them as they could with full title, to the exclusion of others who would be willing to add greater accommodations, at their own risk, even as the title now stands. It is now more than thirteen years since I first came to this place. I was induced to settle here with a hope and belief that there would be some early settlement of the title; but it still appears as uncertain as ever. I have been at great expense in building and improving here; and many times I have proceeded at the hazard of my life, as those claiming adversely to myself have sometimes armed themselves against me with long knives and shot-guns. And now I must beg of you, if your jurisdiction extends to this matter, that you exercise it speedily and effectually; and in so doing you will do a whole country a great favor.

Respectfully, your humble servant, &c.,

LAWSON RUNYON.

To the COMMISSIONER OF THE GENERAL LAND OFFICE,

Washington, D. C.

L.

WASHINGTON, D. C., May 28, 1850.

SIR: I have the honor to submit the enclosed argument in support of Lydia Belding's pre-emption right to the Hot springs in Arkansas, and to ask that the appropriate action be taken thereon.

I am, sir, with great respect, your obedient servant,

A. H. LAWRENCE.

HON. THOMAS EWING,

Secretary of the Interior.

M.

WASHINGTON, D. C., May 28, 1850.

SIR: I have the honor to send you the enclosed argument in support of Mrs. Lydia Belding's pre-emption claim to the Hot springs in Arkansas, and to ask that the proper action may be taken in respect to said claim.

I am, very respectfully, your obedient servant,

A. H. LAWRENCE.

J. BUTTERFIELD, Esq.,

Commissioner of the General Land Office.

Argument of A. H. Lawrence, in support of Mrs. Lydia Belding's pre-emption right to the Hot Springs in Arkansas.

The Attorney General having given an opinion in favor of the issuing of a patent upon the location made under a New Madrid certificate by Hammond and Rector on the tract which includes the Hot springs, and a caveat having been filed by me in behalf of Mrs. Belding, against the issuing of such patent until her claim to said tract could be investigated and her counsel have an opportunity of being heard, I have now the honor of submitting the following argument to the consideration of the department:

I understand the opinion of the Attorney General to be, in substance, that upon the circumstances disclosed in the papers which were submitted for his consideration, and the acts of Congress applicable thereto, the patent sought by Mr. Rector ought to issue. But his opinion, of course, does not intimate that the patent on the New Madrid claim ought to issue under *every* possible state of facts that might arise, or under *any* circumstances materially different from those which were brought to his attention. Consequently the decision of the Attorney General cannot be understood as excluding rights which were not brought to his notice, nor as embracing facts of which he had no knowledge. The opinion of that officer, then, is founded solely upon the different acts of Congress in relation to New Madrid claims on the one hand, and the pre-emption claims of John Perciful and Mary Fulsome, under the act of April 12, 1814, on the other. No other claims were brought to his notice. Those claims, however, having originated in a settlement made before the extinguishment of the Indian title, and the act of 1814 having passed before such extinguishment by the Quapaw treaty of 1818, were considered as mere nullities, and thrown out of the case. All, then, that the Attorney General decided, or could decide, upon the facts before him, was the question whether, under the acts of Congress in regard to New Madrid claims, the patent ought to issue to Mr. Rector for the Hot springs tract, *taking it for granted* that there was no other claim to that tract than those under the act of 1814, and that it was simply and solely a question between Mr. Rector on the one hand, and the United States on the other. This question, upon this state of facts, the Attorney General has decided in favor of Mr. Rector.

We now beg leave to assert another claim—that of Lydia Belding, under the acts of May 29, 1830, and July 14, 1832. And not only do we

not feel embarrassed by the opinion above referred to, but we are sure that the learned officer who gave it will feel no embarrassment from it in *now* according that preference to another which he would unquestionably have accorded in the first instance, had the present claim then been brought to his knowledge.

The act of May 29, 1830, gave to every settler or occupant of the public lands who was then in possession, and cultivated any part thereof in the year 1829, the right to enter the quarter-section settled on.

At the time when this act was passed, the body of lands in which the Hot springs are situated was a part of the public domain, the Indian title having been long before extinguished by the Quapaw treaty of 1818; it was consequently subject to the operation of the act of May 29, 1830.

The township not having been surveyed within the time to which the operation of the act of May 29, 1830, was limited, no entry by virtue of a pre-emption right could be made therein before the expiration of that act.

To meet cases of this kind, however, the act of July 14, 1832, was passed. That act provided, "That all the occupants and settlers upon the public lands of the United States, who are entitled to a pre-emption, according to the provisions of the act of Congress approved the 29th day of May, 1830, and who have not been, or shall not be, entitled to make proof and enter the same within the time limited in said act, in consequence of the public surveys not having been made and returned, &c., shall be permitted to enter the said lands on the same terms and conditions, in every respect, as are prescribed in said act, within one year after the surveys are made," &c.

The plat of township two south, range nineteen west, of the fifth principal meridian, (which is the township in which the Hot springs are situated) was certified on the 30th of April, 1838, and the certificate on said plat shows that the southern boundary line and the subdivisions were not *surveyed* till the first quarter of 1838. Of course the plat was not returned to the land office until *after* the survey was completed, and *after* the plat was certified.

Mrs. Belding's proof was filed (as appears by the endorsement of the register and receiver on the back thereof) on the 10th of March, 1839, within one year from the completion of the survey, within one year from the date when the plat was certified, and of course within one year from the time when the township plat was returned to the land office.

Mrs. Belding's case, then, is precisely within the act of July 14, 1832, unless one of three contingencies shall deprive her of its benefits, to wit: either, 1st, that her proof does not show that she was a settler or occupant within the act of the 29th of May, 1830; or, 2d, that the third section of the act of April 20, 1832, withdrew the Hot springs from the operation of the act of July 14, 1832; or, 3d, that Mr. Rector's location in 1819 under the New Madrid certificate gave to him a superior and prior right to hers.

On each of these points I shall respectfully submit some observations:

1. As to Mrs. Belding's proof of settlement and occupancy in 1829 and 1830.

Ex.—7

The affidavit of Mrs. Belding is as follows;

STATE OF ARKANSAS, *county of Hot Springs*.—UNITED STATES OF AMERICA.

Pre-emption right.—Lydia Belding, in right of her husband, Ludovicus Belding, deceased.

MARCH 7, 1839.

Personally appeared before me, A. N. Sabine, a justice of the peace, Lydia Belding, and being first sworn for this purpose, depose and saith: That she and her husband were living at the Hot springs in February, A. D. 1828, on the southwest quarter of section thirty-three, township two south, range nineteen west, or rather on the west half of section thirty-three, as it is presumed that a legal subdivision of the said section thirty-three will leave the dwelling-house on the southwest quarter of the said section thirty-three, and the cultivated ground on the northwest quarter of the said section thirty-three. And further this deponent saith, that living on the west half of said section thirty-three in February, A. D. 1828, she and her said husband continued to live at the same place throughout the whole of the year 1829; and that she and her said husband had ground enclosed with a fence, wherein they ploughed, and cultivated corn, potatoes, peas, beans, &c., in the year 1829. And further this deponent saith, that although her said husband leased many privileges in the Hot Spring valley to Asa Thompson in February, A. D. 1830, yet, still she and her said husband reserved two houses for their own use, which two said houses she and her said husband had in their possession throughout all the month of May, A. D. 1830, and until August, 1830, and one of the said houses she and her said husband continued to keep possession of throughout all the year 1831, and so on until it rotted away.

And further this deponent sayeth not.

LYDIA BELDING.

Certified and authenticated in proper form.

This affidavit is corroborated by the depositions of Samuel Sortor, William Davis, and Jonathan Bassett, taken at the same time and place, and before the same officer; to which is appended a certificate of the justice of the peace that the witnesses are "of the first respectability in our land, and their testimony in this case is entitled to full credit," as well as a certificate of Lawson Runyon, clerk of the circuit court, (*himself an adverse claimant of the said tract*), and two other persons.

There is also an affidavit of Mr. Runyon that he was commissioned to present the foregoing proof to the land office, and that he did so, and at the same time tendered the purchase money.

On the back is the following endorsement:

"Filed 10th March, 1839.

"GEO. CONWAY,

"Register."

Here, then, is full and conclusive proof of settlement and cultivation in 1829, and of possession on the 29th May, 1830.

But an attempt is made to invalidate this proof by two adverse depo-

sitions of Richard C. Hawkins and Charles Rapley. As, however, Mr. Rapley's deposition is entirely irrelevant, I shall take no further notice of that.

Richard C. Hawkins states, in substance, that Ludovicus Belding resided at the Hot springs, under a lease from John Perciful, which latter person resided on his farm, some six miles from the springs on the Ouachita; that Belding leased the premises to one Asa Thompson in the early part of the year 1830, and he thinks as early as the month of February, and is certain it was before May; that Belding did not retain any house or houses after his lease to Thompson, but that his mother-in-law claimed one small cabin; that no member of his family claimed any other tenement. He also states that he, Thompson, Belding, and Perciful all met about the 20th August, 1830, and the original lease of Mr. Belding was cancelled, and that he, Hawkins, took a new lease from Perciful.

Now give to this testimony its greatest possible effect, and it merely constitutes a case of conflicting evidence, to be weighed and determined by the register and receiver.

There is certainly much to impeach Mr. Hawkins's *recollection* of the circumstances, and particularly the fact that although he alleges that at the meeting on the 20th August, 1830, all the prior leases were cancelled, and he (Hawkins) took a new lease from Perciful, yet there is among the papers in the case a lease, not from Perciful, but from Ludovicus Belding, to this very Richard C. Hawkins, bearing date the 20th August, 1830, which shows that Mr. Hawkins *then* regarded Belding as in possession, though his views were different in 1843.

This, then, is a case of conflict in testimony, which cannot be decided here, but must be decided by the register and receiver, to *whose* satisfaction alone Mrs. Belding is to prove the settlement and possession of her husband. It is, I say, at the worst a mere conflict in testimony with the affidavit of the claimant, and the depositions of three witnesses positively proving the facts requisite under the law, on the one hand, and Mr. Hawkins's deposition on the other, whose testimony is certainly, in one particular, in conflict with a document, on file with the papers, to which he was a party. There is another particular in which some of the papers filed show that Mr. Hawkins is not precisely accurate in his statement. In his affidavit, made in April, 1843, he states that Belding lived at the Hot springs by virtue of a lease from John Perciful. There are papers showing that Belding had bought out the claim of one Millard, who was a settler, and consequently resided there by a right independent of Perciful.

Being, then, but a conflict of testimony which cannot be settled here, I respectfully submit that the case should be sent back to the land officers at Little Rock, to determine the fact of Belding's cultivation and possession.

But, give to Hawkins's deposition all the effect it is susceptible of, and it does not injure Mrs. Belding's claim, under the act of 29th May, 1830, for another reason.

Suppose Belding did settle at the Hot springs under a so-called lease from John Perciful. If Perciful himself had no right to the premises, the lease was a mere nullity. If a man settle on the public land by my permission, he is neither more nor less than a settler because of my permission. That permission gives him nothing, for I have nothing in the sub-

ject-matter to give. Nor does it take from him anything which his actual occupancy gives. If, then, Perciful's claim, under the act of 1814, gave *him* no right, because the land was not subject to the act of 1814, it is of no sort of consequence, as between the United States and Belding, whether Belding settled there with his permission or not.

Nor is it of any consequence whether Belding leased his improvements before the 29th of May, 1830, or after, nor whether he leased *all* his improvements, or only a part.

The act of 1830 requires cultivation in 1829, and *possession* on the 29th May, 1830. Now, that Belding cultivated in 1829 is admitted. If *after that* he leased for the whole of the year 1830, and for any limited number of years after that year, the possession of the tenant is his possession. Mr. Attorney General Berrien has, in so many words, laid it down in reference to this very act, in his opinion of August 23, 1830. (2 Land Laws, &c., p. 61.)

The distinction, in this respect, between a lease from Perciful to Belding, and a lease from Belding to Thompson, is obvious. In the former case, the settler had acquired no incipient right by his settlement, because the land was not subject to the operation of the law, and of course he had nothing to lease. In the latter case, the settler *had* acquired an incipient right by his cultivation in 1829, when the land was subject to pre-emption, and all that was further required was *possession* in 1830. That possession he did not lose by renting his improvements. It is confidently submitted, then, that the proof of Mrs. Belding's right of pre-emption is free from any important objection.

It is to be remarked that Mrs. Belding's claim was not officially rejected or admitted by the register and receiver. The fact is, that the proof was satisfactory of cultivation and possession according to the act of 1830; but the land officers supposed that the act of 20th April, 1832, withdrew the Hot springs from the operation of the act of 14th July following. The proper course, then, as has already been suggested, is to send back the case for the adjudication of the register and receiver.

2. Did the act of 20th April, 1832, withdraw the Hot springs from the operation of the act of 14th July, 1832? The third section of that act is as follows:

"That the Hot springs in said Territory, together with four sections of land including said springs, as near the centre thereof as may be, shall be reserved for the future disposal of the United States, and shall not be entered, located, or appropriated for any other purpose whatever."

It will be observed that the above-quoted section does no more than reserve the Hot springs and contiguous land for the *future disposal* of the United States. It does not reserve this land for any particular *use* of the United States, as is the case with salt springs, military sites, dock-yards, &c., but simply withholds it from entry, location, or appropriation, until the United States should dispose of it. If, then, the act of 14th July, 1832, did dispose of this land, the reservation in the above-quoted section had accomplished its office, and ceased from any future operation.

I maintain that the act of 14th July, 1832, was just as much a disposal of the Hot springs if there was a pre-emption right to them under the act of 1830, which had not been consummated by an entry for want of the township plat, as if the Hot springs had been specifically mentioned. Otherwise we must incorporate an exception into that law, which is

terms do not either demand or imply. To say that a law which gives a right to a certain class of persons, without any discrimination or exception, does not apply to one, two, or three particular persons of that class, is to interpolate in the law an exception of the one, two, or three individuals.

The intention of Congress is to be ascertained from the words of the law and the subject-matter. Every law will be construed (though general in its terms) with reference to the subject-matter with which it deals. Now the act of 14th July, 1832, deals with *persons*. It gives to a certain description of *persons* the privilege of completing certain rights, which without that law would be incomplete or entirely void.

It gives to all occupants and settlers on the public lands who were entitled to pre-emption under the act of 1830, but who for want of the township plats did not make their proof and complete their entry, the right to enter "*the said lands*" on the same terms as under the act of 1830, within one year after the return of the township plat.

Now it will be observed that the object of this law is single and perfectly apparent. Its object is to renew to a certain class of *persons* a privilege of which they were not able to avail themselves during the operation of a former law, though they had done everything on their part required by that law. There can be no room for doubt or construction as to how far, and as to what, this law extends. *All* occupants, without exception or reservation, who came within the terms of that law, were to have the right to enter the *very lands* to which their right under the act of 1830 would have attached. It is not like the case of *United States vs. Gear*, in 3 Howard, where the main object of the law was to establish new land offices, and to define the powers of the land officers, and where the question was, whether certain general powers of sale repealed former laws reserving the lead mines, and that, too, in one particular land district only, and without any perceivable reason why the lead mines should not continue reserved in that district as well as in others. The court held that Congress could not be supposed to intend a repeal of the laws reserving lead mines, inasmuch as the main object of the law was only to create, in the usual mode, new land offices; and as the words supposed to amount to a repeal of the reservation of the lead mines were only general terms, manifesting no particular reference to the lead mines; and as such repeal would be an exception to the long and uniform policy of the country in regard to lead mines, made in one particular district, without any particular reason for the exception. And yet in that case there are three dissenting opinions. Nor is it like the case of *Wilcox vs. Jackson*, in 13 Peters, where the court held that a law giving a right of pre-emption did not operate on land which was reserved, *not for the future disposal* of the United States, but for the actual use of the United States, and which in fact was at the time in the actual use of the United States, as it had been for thirty years before, for a fort, light-house, hospital, &c., there being nothing in the general law to show that Congress had any intention to give a right of pre-emption to such reserved land. In both of those cases the main object of the law had no relation to the particular subjects attempted to be brought within it, and the only inquiry was, did or did not Congress so intend? But in the act of 14th of July, 1832, there is no room for construction or doubt. The object of the law is single. The provisions of the law are general. The object of the law was

to give to a certain class of persons a privilege. It does give to that class of persons, *without exception*, that privilege. Can there be any construction here?

Now I suppose that the proposition will not be denied by any one, that whenever a statute gives a privilege to all of a specified class of individuals, it gives to each and every individual who brings himself within that class, just as effectually as if all had been personally named in the statute. If this be so, then; if the act of 14th of July, 1832, gave to *all persons* who had a pre-emption right to land under the act of 1830, not consummated for want of the township plats, the right to enter *such land*, and Ludovicus Belding had a pre-emption right to the Hot springs under the act of 1830, not consummated for want of the township plat, why, the act of the 14th of July, 1832, gave him the right to enter the Hot springs, just as fully as if such right had been granted to Ludovicus Belding, *by name*, in the said act. Now, suppose that in the aforesaid act the right had been granted to Ludovicus Belding to enter the tract to which he had a pre-emption right under the act of 1830; would there be any doubt that such a provision would have been a *disposal* of the Hot springs, and would consequently have put an end to the act of the 20th of April, 1832? If so, then the act of the 14th of July, 1832, disposes of the Hot springs.

The Attorney General, in coming to the conclusion that a patent ought to issue to Mr. Rector on the New Madrid entry, must have considered the act of March 1, 1843, as repealing the reservation of the Hot springs. Yet that act was general in its terms, and made no specific mention of the Hot springs. It only purported to remedy certain defects in previous locations under New Madrid certificates. If the terms of that law could be considered as a repeal of the reservation in question, how much stronger are the reasons for supposing the act of the 14th of July, 1832, a repeal of that reservation.

With these remarks, I leave the last mentioned act, and proceed to inquire—

3d. Whether, taking it for granted that Mrs. Belding's right of pre-emption is otherwise perfect, the location by Mr. Rector of the Hot springs in 1819, under a New Madrid certificate, gave to him a prior and superior right.

The act of the 17th of February, 1815, gave to the inhabitants of New Madrid county, whose lands had been injured by earthquakes, the right "to locate the like quantity of land on *any of the public lands* of the said Territory the sale of which is authorized by law."

I maintain that in order to constitute a valid location under this law, it is requisite that the land located should have been public land at the date of the law, and that the sale of said land should have been authorized on the 17th of February, 1815.

The phraseology of the act certainly sustains this position. It clearly is not demanded by any just construction that a permission to locate land, the sale of which "*is*" authorized by law, should be understood to designate land the sale of which might be *hereafter* authorized by law, unless there be something in the purpose and policy of the law to require such an enlarged interpretation. Now the purpose of the New Madrid act is not such as to require such an interpretation. That act was founded in a spirit of praiseworthy liberality on the part of Congress towards those whose lands had been rendered worthless by the act of God. Its

whole purpose was to put them in possession of lands equivalent to those which had been destroyed. It was an act simply of munificence, for the full and liberal accomplishment of which there was an ample field in the lands *then* authorized to be sold in that rich and extensive Territory. Why should we, then, extend the charity of the government, (liberal on the strictest construction) beyond the terms in which it was offered? I can perceive nothing that demands it; on the contrary, I can see sound reasons, founded in proper prudence, to restrain Congress from giving an unlimited privilege over whatever might *become* public land, or over every portion of the then public land which might be afterwards authorized to be sold. New and valuable lands might be acquired. Lead mines, salt springs, military sites, with all their improvements, might thereafter be authorized to be sold. And the New Madrid sufferer, or more probably the eagled-eyed speculator who had succeeded to his rights, might pounce upon any of those before a sale could be accomplished. I think, then, that Congress did not blindly intend to subject all the future acquisitions of the United States, or all the lands the sale of which might thereafter be proposed within that Territory, to the holders of New Madrid certificates; but that they intended to act upon the field which was then before them, wherein they could give privileges, *knowing what they gave*; and, in thinking thus, we exalt their intelligence, whilst we do not impugn their liberality. And such was the opinion of Attorney General Wirt. See 2 vol. Land Laws, Ins., &c., pp. 10, 13.

If this be so, then the tract in controversy being at the date of the New Madrid act subject to Indian occupancy, could not, after the extinguishment of the Indian title, be located under a New Madrid certificate.

But suppose I am wrong in this; still the location of the Hot springs on the 27th January, 1819, was void at *that* time for other reasons. It was void, because it did not correspond with the subdivisinal lines, and especially because the land was not *then* authorized to be sold.

To suppose that Congress intended to carry their liberality to these sufferers so far as to permit them to make their location not only *any where* they might choose, but in any *shape* they should think proper, and thereby to break in upon our admirable system of surveys, and to spoil four subdivisions in order to obtain one, is to impute to Congress such an excess of liberality as would amount to folly; especially when we remember that in granting pre-emption privileges (where there is something like service to the country in the settlement and cultivation of the wilderness) they have been always and most guardedly careful to preserve the lines of the surveys. In the very case we are considering there are four fractions made by the location of Mr. Rector. Surely this was not the intention of Congress.

But the principal objection to this location is, that on the 27th of January, 1819, the land in controversy was not authorized to be sold.

By the constitution Congress has power to dispose of the public lands and make all needful regulations therefor.

In the exercise of this power, I affirm that Congress never has in any general law authorized any of the public lands to be sold until after district land offices have been established, surveyors appointed, *surveys actually made*, and the township plats returned. Nay more; that land is not authorized to be sold until after proclamation shall have been made by the President, (except in cases of pre-emption,) nor to be sold by private entry

until it has actually been offered at public sale. From first to last the uniform regulation by Congress has been to cause the surveys to be made first, and after the surveys are made, to authorize their sale under the above mentioned rules. The very first act, of 20th May, 1785, authorized the appointment of surveyors, prescribed their duties, directed them to divide the western territory into townships, &c., and *as soon as seven ranges of townships should have been surveyed*, directs the surveyors to return the plats thereof, and after such selections should be made as are therein directed, empowers the board of treasury, first giving notice by advertisement, *to sell the same*. So it is in the act of May 18, 1796, the provisions of which are incorporated into most of the subsequent laws for the disposal of the public lands. And so it is with all the laws authorizing the sale of the public lands. Even the right of pre-emption cannot be made available until the surveys are made and returned, so that if such surveys are not made and returned before the expiration of the law which gives the right of pre-emption, it is gone entirely. But I would particularly ask attention to the third section of the act of February 17, 1818—the very act which created the Little Rock land district, in which the Quapaw lands lie. That section is as follows:

“That whenever a land office shall have been established in any of the districts aforesaid, and a register and receiver appointed for the same, the President of the United States shall be and he is hereby authorized to direct so much of the public land lying in such district *as shall have been surveyed* according to law, to be offered for sale,” &c. Could any language more explicitly declare that no lands within that district were authorized to be sold until after they should have been surveyed? And especially lands such as the Quapaw lands within this district, the Indian title to which was not then extinguished?

Now, if I am right in supposing that no land belonging to the United States is “*authorized to be sold*” until after such land shall *have been surveyed*, (and such are the very words of the only law which authorizes the sale of lands in the Little Rock district,) why, then the conclusion is as inevitable as either logic or law can make it, that a location which, to be valid, must have been made on lands the *sale of which is authorized*, was good for nothing when made on lands not actually surveyed, because the sale of *such* lands was not authorized. This land was not surveyed until 1838, before which time Mrs. Belding’s right had fully accrued under the acts of 1830 and 1832.

I flatter myself, therefore, that I have shown several independent objections to the location of the New Madrid certificate on the Hot springs in 1819, either of which would have been fatal. It only remains to inquire whether these objections have been removed, before the vesting of Mrs. Belding’s pre-emption right, by the subsequent legislation of Congress.

The act of 26th April, 1822, removes one objection, viz: the want of conformity to the subdivisinal lines. And yet, lest this act should be understood as declaring the intention of Congress that the subdivisinal lines were not to be regarded, or that the construction which had been put upon the New Madrid act was not the true one, Congress cautiously inserts a second section, declaring that thereafter locations should conform to the lines of the surveys.

The act of 2d March, 1827, has reference only to location, founded on claims for loss of lots and out-lots.

The act of 2d March, 1831, gives to the holder of a New Madrid certificate the right to relocate on lands subject to private entry when the lands first located have been adjudged to another by right of pre-emption.

Up to this date, then, but one of the defects in this location had been cured. There still remained the objections that the Indian title was not extinguished at the date of the New Madrid act, and that the lands were not authorized to be sold at the date of the location. In the mean time, the act of 29th May, 1830, had been passed. The right of Ludovicus Belding had accrued. And had the township plat been made and returned before the expiration of that act, his entry would doubtless have been completed under it. Such not being the case, however, his right to enter expired with the law. Then came the act of 14th July, 1832, (which I have already shown did away the reservation in the act of 20th April, 1832,) which gave to Belding a new right of entry. The fatal defects in the location of the New Madrid certificate still remained. Up to this time the New Madrid location was a mere nullity. And I have only to refer to the decision of the Supreme Court within the last week, in the case of *Lytle vs. State of Arkansas et. al.*, to show that the act of 14th July, 1832, gave a complete right of entry within the time prescribed therein which no subsequent act of Congress could divest. Within the time prescribed, Mrs. Belding had filed her proof and tendered the purchase money. The case above referred to decides that this is as effectual as an actual entry. It is unnecessary, therefore, to make any remarks upon the law of 1st March, 1843, which removes the objection of the non-extinguishment of the Indian title at the date of the New Madrid law, because Mrs. Belding's right had vested before that act was passed, and it is precisely analogous to the case of *Lytle vs. Arkansas*.

This argument has extended to such a length, that I have only space to notice an expression of the Supreme Court in their opinion in the case of *Stoddard vs. Chambers*, 2 How. 284. The learned judge who delivered that opinion says, in substance, that if the entry in that case had been made or the patent had issued *after* the reservation had ceased, and *before* it was revived, the title of the party could not be contested. Now it is to be observed that this was not a point calling for decision in that case. It was purely an *obiter dictum*. It is not a decision by the court, but merely an illustration by the judge. And what, more than any thing else, proves that this was entirely an *obiter dictum* is the fact that *at the very period* when the learned judge speaks of an entry being made, or a patent issued, under the New Madrid act, the act itself was not in force; it had long before expired.

The case decides, however, that the location was utterly void. This is enough for us. But the present case is not within even the *dictum* of the judge, which supposes that although the location was of no effect, yet (as there was no intervening right) had an *entry* actually been made after the reservation ceased, and before it was revived, or had a *patent* actually issued during that period, the title, by virtue of such *entry* or such patent, would have been conclusive; because, as the lands had been long previously surveyed, and were *then* subject to sale, the act of the government in issuing the patent or the certificate of entry would be conclusive against the United States, or any subsequently acquired adverse right derived from the United States. All that this dictum means is, that if the party

had actually acquired a title from the government when the government had the title to dispose of, that title would be good; but if he had not, in point of fact, obtained such title *at such time*, why, he had no right whatever. In other words, his location (which was unauthorized) gave him no right to *demand* an entry or a patent; but if, when the United States had the disposal of the title, they had actually invested him with it, it was not for any one else to dispute that title. Now, in the present case, the patent certificate is dated June 16, 1838. *This entry* cannot, therefore, confer any right in opposition to rights vested under the act of 14th July, 1832. The acts of 29th May, 1830, and 14th July, 1832, just as effectually withdrew lands, to which there was a right of pre-emption, from subsequent location, or from subsequent entry or patenting (except by the pre-emptioner or his representatives) as if they had been made the subject of a special reservation. The case of *Lyle vs. Arkansas* is full to this point. Mr. Rector's case, then, is not within even the *dictum* of the judge.

Upon the whole, I think it has been established in the foregoing pages; that the location of Mr. Rector never had any validity before the date of the act of 1st March, 1843, even if that act could have given it validity; and that prior to the date of said act a valid pre-emption right had fully vested, which that act could not divest.

Were it necessary, it would be easy to point out the strong equitable considerations in favor of the actual settler and cultivator of the wild lands of the west, over the floating privilege of a mere locator; especially over the claims of a bare speculator in the privileges of location, who had made use of the means of information which an official position under the government had given him to cull out from the public domain its richest and best portions, and turn them to purposes of personal advantage.

A. H. LAWRENCE,
Attorney for Lydia Belding.

WASHINGTON, D. C., May 24, 1850.

N.

GENERAL LAND OFFICE, April 20, 1839.

GENTLEMEN: This office has been placed in possession of a certified copy of the papers filed in your office by Sarah Perciful and Daniel Perciful, in support of their right, under the pre-emption law of 1814, to the southwest quarter 33, township 2 south, range 19 west, the tract upon which the Hot springs are situated. No letter accompanied the same by which it could be ascertained from whom they were received, but as some communications addressed to you by the parties interested in that claim request a transmission of the papers to this office, in the event of your decision upon the proof being adverse, it is presumed they were forwarded by you, though without a letter, which, if such is the fact, should have accompanied them. The claim is rejected by you on the ground of a portion of the tracts sought to be located having been previously covered by a New Madrid certificate, No. 467, in the name of Francis Langlois, or his legal representatives. The *rejection* of the claim is approved, but upon different grounds. The land sought to be entered is not, in the opinion of the Attorney General, dated 3d May, 1836, liable to the provi-

sions of the act of 12th April, 1814, not having been ceded to the United States until by the Quapaw treaty of 24th August, 1818. You will be pleased to inform the parties interested of the action of this office on the claim before mentioned.

Respectfully, your obedient servant,

JAMES WHITCOMB,
Commissioner.

To REGISTER & RECEIVER,
Washington, Arkansas.

GENERAL LAND OFFICE, *June 24, 1842.*

SIR: Your letter of the 23d ultimo, in relation to the claim of Ludovicus Belding, under the act of 29th May, 1830, for the tract of land occupied by the Hot springs in Arkansas, has been received.

Your previous letter of the 18th November last, enclosing a certified copy of the proof filed at the land office at Washington, Arkansas, is also on the files of this office. No claim of any description for the land in question can be entertained by this office, since the 3d section of the act of 20th April, 1832, directs the reservation of said "Hot springs, together with four sections of land, including said springs as near the centre thereof as may be, for the future disposal of the United States," and declares that the land so reserved "shall not be entered, located, or appropriated for any other purpose whatever." This latter act, though subsequent in date to that upon which the claim of Mr. Belding is founded, was passed prior to a survey of the public land in that region of country, and, of course, before any claimant under such law could prove up and pay for the land claimed, two of the conditions required by the law of 1830, and prior to the performance thereof, such act of reservation made other disposition of the land, and virtually repealed the pre-emption law of 1830, as applicable to the land referred to.

No opinion is expressed in reference to the sufficiency of the proof, provided the land was subject to the act of 1830, since such opinion is unnecessary under the views herein expressed.

It may be proper to observe, that these views are sustained by an opinion of the Attorney General on a similar point, in a case not long since referred to him.

Respectfully, your obedient servant,

THO. H. BLAKE,
Commissioner.

To LAWSON RUNYON, *Hot Springs, Arkansas.*

GENERAL LAND OFFICE, *March 9, 1843.*

SIR: I herewith enclose you, as requested by your letter of the 3d instant, copies of the papers on file in support of pre-emption claims to the land upon which the Hot springs of Arkansas are situated.

Respectfully, your obedient servant,

THO. H. BLAKE,
Commissioner.

To J. S. CONWAY, Esq.,
Agent of H. M. Rector, Conway, Lafayette county, Arkansas.

GENERAL LAND OFFICE, *April 8, 1843.*

SIR: Your letter of the 20th ultimo, requesting the suspension of all action on the claim of John Perciful, under act of 1814, and L. Belding, under act of 1830, each calling for the tract of land embracing the Hot springs of Arkansas, has been received.

This request, it is stated, is made in consequence of the letter from this office to your agent, J. S. Conway, esq., of the 1st ultimo, and for the purpose of giving you time to furnish testimony adverse to the claims above mentioned.

By reference to the letter referred to, it will be seen that this office regarded those claims, for the reasons given, as not attaching to the land in question. No further action was therefore contemplated to be taken in reference to them.

No testimony, such as you speak of, seems to be required, inasmuch as the legal grounds of objection to said claims, irrespective of the testimony filed by the claimants, are believed to be full and ample; and if this opinion should be hereafter overruled by superior authority, it would certainly be requisite that due notice should be given to all parties interested, so that they might have an opportunity of being heard, though testimony taken after such notice, the matter involved being of too grave a character to receive any final action upon questions of fact derived from *ex parte* affidavits.

A separate reply will be given to that portion of your letter having reference to the New Madrid claim of Henry Cockerham.

Respectfully, your obedient servant,

THO. H. BLAKE,
Commissioner.

To H. M. RECTOR, Esq.,
Little Rock, Arkansas.

GENERAL LAND OFFICE, *May 4, 1843.*

GENTLEMEN: I herewith enclose you a copy of my letter to J. S. Conway, esq., dated 1st March last, in order that you may be apprized of the action had by this office on the subject of the various claims preferred to the land embracing the "Hot springs," subsequent to the passage of the act of 1st March last, entitled "An act to perfect the titles to lands south of the Arkansas river, held under New Madrid locations and pre-emption rights under the act of one thousand eight hundred and fourteen." The reservation made by the 3d section of the act of 20th April, 1832, of said "Hot springs, together with four sections of land including said springs, as near the centre thereof as may be, for the future disposal of the United States," and the prohibition therein made of any entry, location, or appropriation of said land for any other purpose whatever still subsists; and you are specially instructed not to permit any entry or location, under color of the act of 1st March, 1843, or any other act, of any part of the four sections so reserved, to wit: the south half of section 28, the south half of section 29, sections 32 and 33, all in township 2 south, range 19

west; and the south half of section 4, and south half of section 5, both in township 3 south, range 19 west.

Respectfully, your obedient servant,

THO. H. BLAKE,
Commissioner.

To REGISTER & RECEIVER,
Washington, Arkansas.

GENERAL LAND OFFICE,
May 4, 1843.

SIR: Your letter of the 16th ultimo, asking various questions in relation to the different pre-emption laws, to which replies are desired as preliminary to the procurement by you of evidence to invalidate certain claims by pre-emption to the land embracing the Hot springs, has been received.

No testimony is deemed necessary by this office to invalidate the claims referred to, because the land is not regarded as subjected to the operation of *any* of the pre-emption laws. Replies, therefore, to said inquiries would appear to be unnecessary for the purpose indicated, and must be declined on another ground, viz: that if the question of pre-emption rights to said land should ever become material to the settlement by Congress of the disposition to be made of the land reserved under its special act of 20th April, 1832, due notice should be given to all such claimants of a time and place when and where they might be heard, through their witnesses, in regard to such rights; and that in the mean time this office should not take any action which might be construed into a doubt of the validity of its decision against any and all claims by pre-emption to the land in question.

Respectfully, your obedient servant,

THO. H. BLAKE,
Commissioner.

To H. M. RECTOR, Esq.,
Little Rock, Arkansas.

GENERAL LAND OFFICE,
May 4, 1843.

SIR: Your letter of the 12th ultimo, requesting to know if the proof filed in relation to the claim of the heirs of John Perciful for the land embracing the "Hot springs" is complete, and if not, in what points it is deficient, has been received.

A reference is made by you to the act of 27th February last [meaning the act of 1st March last] entitled "An act to perfect the titles to land south of the Arkansas river held under New Madrid locations and pre-emption rights under the act of one thousand eight hundred and fourteen," and an inquiry is also made as to the time allowed to prove up under that act. In reply, I have to state that the land embracing the Hot springs in Arkansas was reserved, by the 3d section of the act of 20th

April, 1832, for the future disposal of the United States, and that no right of pre-emption can accrue to said land by virtue of any law now in force

Respectfully, your obedient servant,

THO. H. BLAKE,
Commissioner.

Mr. JOHN C. HALE, P. M.,
Hot Springs, Arkansas.

GENERAL LAND OFFICE,
May 31, 1843.

SIR: In reply to your letter of the 13th instant I have to state that the land occupied by the Hot springs in Arkansas was reserved by the third section of the act of 20th April, 1832, together with "four sections of land, including said springs, as near the centre thereof as may be," for the future disposal of the United States; and said act declared that the land so reserved should "not be entered, located, or appropriated for any other purpose whatever."

The provisions of the act of 1st March last, to which you refer, are not regarded by this office as affecting the land in question. Since the passage of that act an application for a patent on the New Madrid location, embracing said Hot springs, has been refused, and a reiteration of the former decision of this office made in reference to the pre-emption of John Perciful's heirs. The land reserved by the act of 20th April, 1832, is not subject to the operation of any pre-emption law, or any other law, by which the title of the United States can be affected.

Respectfully, your obedient servant,

THO. H. BLAKE,
Commissioner.

Mr. LAWSON RUNYON,
Hot Springs, Arkansas.

GENERAL LAND OFFICE,
December 6, 1843.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, enclosing certain testimony in relation to a claim under the act of 1814, by Sarah Perciful in her own right and for the heirs of John Perciful, deceased, to the land embracing the Hot springs in Arkansas.

It appears, from an endorsement on said testimony by the register and receiver at Washington, Arkansas, that it has been presented to them and the claim rejected by them for three reasons: first, that the land was not public land at the date of the act of 12th April, 1814, and, therefore, not subject to the provisions of that act; second, that the land, having been reserved from sale or entry by the act of 20th April, 1832, could not be taken out of the provisions of that act by the act of 1st March, 1843; and, third, that, admitting the validity of the settlement, the claimant has failed to make out a case under the act of 12th April, 1814.

Upon all these points this office concurs in opinion with the land officers.

This claim has heretofore been presented to this office, as well as the claims of others, under other laws, for the same land, and all have been rejected, this office regarding the "Hot springs and the four sections of land, including the said springs, as near the centre thereof as may be," which was reserved under the act of 20th April, 1832, as subject to the special disposition of Congress alone, according to the terms of that act.

With much respect, your obedient servant,

THO. H. BLAKE,
Commissioner.

Hon. EDWARD CROSS,
House of Reps. U. S.

GENERAL LAND OFFICE,
January 11, 1844.

SIR: Your letter of the 23d ultimo, enclosing a copy of the testimony and other papers in relation to the claim of William Davis and Mary Davis, late Mary Fulsom, under the pre-emption law of 1814, to the land embracing the "Hot springs" in Arkansas, has been received.

No examination thereof has been made with a view to any action by this office on said claim, you being aware that no pre-emption or other claims by individuals for the land in question will be entertained by this office. According to your request, the papers have been placed on file here with others having relation to the same land.

Respectfully, your obedient servant,

THO. H. BLAKE,
Commissioner.

Mr. LAWRENCE RUNYON,
Hot Spring, Arkansas.

GENERAL LAND OFFICE,
February 29, 1844.

SIR: I have the honor to return herewith the letter of the Hon. J. Colamer, of the Committee on Public Lands in the House of Representatives, asking to be informed whether the United States have title to the Hot springs and surrounding territory in Arkansas, as reserved under the act of April 20, 1832, and why the same was reserved, and if the cause of said reservation continues.

The title to said premises, as reserved by that act, does, in the opinion of this office, remain unimpaired in the United States; and it is not known here that the cause of the reservation is less operative now than at the time it was made.

The premises in question are situated within that tract of country which was ceded to the United States by the treaty with the Quapaw Indians of the 24th August, 1818. Certain claims, called New Madrid claims, founded upon the act of 17th February, 1815, were located within that tract of country, the surveys of said locations being specially made *prior* to the public survey of the townships in which said locations were situated, thus causing, when the latter was made, fractions of land by reason

of the lines of the two surveys not corresponding. One of these claims, in the name of Francis Langlois, included the Hot springs.

On the 23d June, 1820, the Secretary of the Treasury, under two opinions of Attorney General Wirt, decided that all these locations were void, because made on land the sale of which was not authorized at the date of the law of 1815, and because of the surveys thereof being totally unauthorized by law.

On the 26th April, 1822, an act was passed legalizing these locations, as far as the defects in the surveys were concerned, but as the law of 1815 authorized the location of these New Madrid claims to be made only on land "the sale of which is authorized by law," this office rejected those locations made on the Quapaw territory, because, at the date of said law, and for more than three years thereafter, the government had not acquired the title to the said land.

A pre-emption claim, under the fifth section of the act of 12th April, 1814, in the name of Sarah Perciful, widow, and David Perciful, son and only heir of John Perciful, deceased, and a similar claim in the name of Mary Davis, late Mary Fulsom, were preferred for the *quarter section* of land which includes the Hot springs, and rejected, because such claims were valid only for land which was *public land* at the date of the law of 1814, and therefore could not apply to the premises in question, which, as before stated, were ceded to the government in 1818. These claims were also not presented until after the reservation made by the act of April 20, 1832.

A pre-emption claim, under act of 29th May, 1830, in the name of Ludovicus Belding, has also been preferred for the quarter section above referred to and rejected, because of the reservation of the land, as before mentioned, prior to the presentation of such claim, and the prohibition in the act of 20th April, 1832, of the allowance of "any entry, location, or appropriation" of the land so reserved.

On the 1st March, 1843, an act was passed declaring that locations made by New Madrid claims upon these Quapaw lands should be carried into grant, in like manner as if the Indian title had been extinguished at the date of the act of 17th February, 1815, and every settler on said lands was declared entitled to the benefits of the pre-emption act of 1814.

This office has decided that this act did not legalize the New Madrid location of Francis Langlois, nor the pre-emption claims of the heirs of John Perciful and Mary Davis, (late Mary Fulsom,) under the act of 1814, because it was understood to embrace those cases only where the question in relation to the Indian title was the *only* difficulty, and that it was not intended to operate as a repeal of the provisions of the third section of the act of 20th April, 1832, by which these Hot springs and certain surrounding land were reserved "for the future disposal of the United States," and all other disposition of the same prohibited.

With much respect, your obedient servant,

THO. H. BLAKE,
Commissioner.

Hon. J. C. SPENCER,
Secretary of the Treasury.

GENERAL LAND OFFICE,
June 5, 1844.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, advising me that a resolution has been introduced into the Senate, and referred to the Committee on Public Lands, directing an inquiry into the expediency of repealing the third section of the act of April 20, 1832, which relates to the Hot springs in Arkansas, and certain sections of land adjoining them.

You request the communication to you "of such information as may remain in the General Land Office relative to these Hot springs and the land alluded to. What is the supposed or reputed value of those springs, and of those lands? What necessity or propriety exists for their reservation? What would be the result of the contemplated repeal? Would the land be subject, *eo instanti*, to rights of pre-emption? Would it be necessary to provide *specially* for their being exposed for sale at auction?"

I herewith enclose a copy of my letter to the Secretary of the Treasury, dated 29th February last, in reply to his call for a report on the subject of these Hot springs, made at the instance of the Hon. J. Collamer, of the Committee on Public Lands of the House of Representatives, and have to state, in further answer to your inquiry, that this office possesses no definite information as to the value of said springs or of the surrounding reserved land; but from the high reputation of the waters for medicinal purposes, it is supposed that the value of the land which includes them, and which has been reserved, is greatly above the aggregate proceeds at the minimum price per acre; that I know of no necessity or propriety for their continued reservation, not being apprized of the precise object or policy of the government in making it; that the result of the contemplated repeal of said third section of the act of April 20, 1832, would be to throw the land open to the settlement of persons thereon, with a view to pre-emption claims, under the act of September 4, 1841; and that as no pre-emption claims would be valid, except as to settlements made *subsequent* to the repeal of the said section or removal of the reservation, all prior settlements being contrary to law, because made on reserved land, great injustice would be done (if it is the object of Congress to suffer these lands to be taken by pre-emption) in permitting the settler of to-morrow to take improvements which may have been made by settlers on these lands, and occupied by them for years. In reply to the last question, I would state, that the repeal of said section would restore that land to the mass of public land, and of course render it liable to be sold by the President, like other public lands; but I would respectfully suggest, that as this land has been reserved for more than twelve years, under a special act of Congress providing for its "future disposal" by that body, to quiet all conflicting claims, by pre-emption or otherwise, it would be advisable, if Congress feels inclined now to dispose of the same, that provision be made for its special sale.

With much respect, your obedient servant,

THO. H. BLAKE,
Commissioner.

Hon. W. WOODBRIDGE,
Committee on Public Lands, U. S. Senate.

GENERAL LAND OFFICE,
July 19, 1844.

SIR: In reply to your letter of the 16th instant, asking "whether any disposition has been made of the Hot springs in the State of Arkansas, or the lands around it, embracing several *townships*," I have to state, that by the third section of the act of Congress, dated April 20, 1832, the said "Hot springs," together with four *sections* of land including said springs, as near the centre thereof as may be, were reserved "for the future disposal of the United States," and all entries, locations, or appropriations thereof, for any other purpose whatever, prohibited.

No disposition has been made of any part of said *four sections*, they being regarded as liable to the special disposition alone of Congress. The remaining portions of the townships, of which said four sections are a part, have been treated like all other public land, and sale thereof made to any person legally applying for the same.

A part of said four sections, to the extent of about one hundred and seventy acres, and including the springs, was located by a New Madrid claim in the name of Francis Langlois before the public survey of the land; and a quarter-section, according to the public surveys, also including said springs, has been claimed as a pre-emption right under the act of April 12, 1814, by Sarah Perciful, widow, and David Perciful, son and only heir of John Perciful, deceased; as a pre-emption right under the act of May 29, 1830, by Lydia Belding; and also under the latter act by Wm. Davis and Mary Davis, late Mary Fulsom. All of these claims have, however, been rejected.

This office has no knowledge of the existence of the Spanish claim alleged by you, in the name of Mr. Filhiol, formerly lieutenant governor at Ouachita, Louisiana, to "said springs and several townships around them."

Copies of papers on file in this office are furnished without any charge, but the regulations require an affidavit of the party applying, showing his interest in them.

Respectfully, your obedient servant,

THO. H. BLAKE,
Commissioner.

JOHN WILSON, Esq.,
New York, N. Y.

GENERAL LAND OFFICE,
February 12, 1845.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, requesting to be furnished with a statement of all the claims set up by individuals to the land, or any part thereof, occupied by the Hot springs in Arkansas, you having given notice to the Senate of an intention to ask leave to introduce a bill granting to the State of Arkansas the said springs.

In reply, I herewith enclose a copy of my letter to the Secretary of the Treasury of the 29th of February, 1844, on that subject, embracing the information sought by you, with the exception of that concerning an alleged Spanish claim in the name of one Filhiol, in relation to which this

office received a letter from Mr. John Wilson, dated 16th July, 1844, a copy of which is herewith transmitted. He was advised on the 19th of the same month of the various claims to said springs, and that this office had no knowledge of any claim "of Mr. Filhiol, late lieutenant-governor at Ouachita, in Louisiana, to said springs and several townships around them."

With much respect, your obedient servant,

THOS. H. BLAKE,
Commissioner.

Hon. C. ASHLEY,
Senate United States.

GENERAL LAND OFFICE,
October 22, 1846.

SIR: In reply to your letter of the 26th ultimo, in which you refer to certain claims to the Hot springs in Arkansas, and to the recent act of Congress in relation to the adjudication and settlement of suspended entries at this office, I have to state that said law gives this office no jurisdiction over any other class of cases than where *entries* have been actually made, the money paid by the parties, and the patents withheld for certain objections to said entries.

You advert to the authority given to this office by one of the sections of the act referred to, (that of 3d August last,) to offer for sale any isolated or detached parcels of land heretofore unoffered, and call my attention to the four sections reserved by Congress in 1832, near the Hot springs above mentioned, desiring that such authority may be exercised in respect to these four sections.

The Hot springs and the four sections of land referred to were reserved by the act of 20th April, 1832, "for the future disposal of the United States, and shall not be entered, located, or appropriated for any other purpose whatever."

It must be evident from the words here quoted, that under authority of a power to bring certain isolated and detached parcels of land into market without the expense of a proclamation by the President, this office could not offer the land referred to by you, inasmuch as, without a special law on the subject, that land cannot be sold or disposed of.

Respectfully, your obedient servant,

JAMES H. PIPER,
Acting Commissioner.

Mr. LAWSON RUNYON,
Hot Springs, Arkansas.

GENERAL LAND OFFICE,
June 15, 1848.

SIR: I have the honor to return, herewith, the letter from Thomas S. Drew, esq., left by you a few days since, and, in reply to the subject-matter thereof, have to state that this office has no knowledge of the decision of any case by the Supreme Court of the United States, settling

the question that the pre-emption law of 1814 did not apply and was not valid upon any lands lying between the Arkansas and Red rivers.

The lands in question were ceded to the government by the Quapaw treaty of 1818, (24th August,) and were therefore not public lands at the time of the passage of the act of 1814 granting pre-emptions, and consequently not the subject of any grant by said law of 1814.

A decision of this point was made by this office, under an opinion of the Attorney General, dated the 3d May, 1836; and it was this view of the matter that has prevented any recognition of a claim under the law of 1814 to the land occupied by the Hot springs in Arkansas.

The subsequent reservation of said land by the act of April 20, 1832, has protected it from later pre-emption laws, and it is now regarded as public land, liable to disposition only by the special legislation of Congress.

With much respect, your obedient servant,

RICHARD M. YOUNG,
Commissioner.

HON. W. K. SEBASTIAN,
Senate of the United States.

GENERAL LAND OFFICE,
May 29, 1850.

SIR: I have the honor to enclose a letter to this office from A. H. Lawrence, esq., attorney of Lydia Belding, covering a printed argument in behalf of her claim by pre-emption under the act of 29th May, 1830, to the land upon which is situated the Hot springs in Arkansas.

Accompanying the above, I also transmit the testimony on file in this office for and against said claim.

As the land was included in the reserve "for the future disposal of the United States," made by the act of 20th April, 1832, this office has heretofore held that the subsequent law of 14th July, 1832, (granting to pre-emptors under the act of 1830 the privilege of entering the land claimed within a year after the return of the township plat to the proper district office) was inoperative on said land because of such reservation; but the Supreme Court of the United States has, during its present session, in the case of Lytle vs. the State of Arkansas, decided that this act of 14th July, 1832, was in effect merely providing the means by which a previously existing right could be consummated, and that such right under the act of 1830 could not be affected by a subsequent law of Congress making other disposition of the land.

Under these circumstances, the question arises, whether the recent opinion of the Attorney General as to the confirmation of the New Madrid claim on this land by the act of 1st March, 1843, has not been overruled by this decision of the Supreme Court, if the settlement and occupation of Lydia Belding was such as to give her a valid claim under the act of 29th May, 1830.

The land officers having never given any decision on this claim because of the reservation of the land by the act of April 20, 1832, the latter question should, in my opinion, be submitted for their primary action.

With great respect, your obedient servant,

J. BUTTERFIELD,
Commissioner.

HON. THOMAS EWING, *Secretary of the Interior.*

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EXTRACT OF A LETTER

FROM

THE UNITED STATES MINISTER AT LONDON

TO

THE SECRETARY OF STATE,

RELATIVE

To the boundary line between the British and French possessions in North America, as fixed by the treaty of Utrecht.

SEPTEMBER 6, 1850.

Read.

SEPTEMBER 9, 1850.

Ordered to be printed.

The Secretary of State presents his compliments to Mr. Benton, and has the honor to transmit, herewith, a copy of the paragraph from one of Mr. Everett's letters, requested by Mr. Benton. The paragraph has just been discovered.

DEPARTMENT OF STATE,
Washington, August 28, 1850.

Extract of a letter from Mr. Everett to Mr. Webster, dated London, March 31, 1843.

The above was chiefly written before I had seen Mr. Oswald's map, which I have since, by the kindness of Sir Robert Peel and Lord Aberdeen, been permitted to do. It is a copy of Mitchell, in fine preservation. The boundaries between the British and French possessions in America, "*as fixed by the treaty of Utrecht*," are marked upon it in a very full distinct line, at least a tenth of an inch broad, and those words written in several places. In like manner, the line giving our boundary as we have always claimed it—that is, carrying the northeastern angle of Nova Scotia far to the north of the St. John's—is drawn very carefully in a bold red line, full a tenth of an inch broad, and in four different places along the line distinctly written "the boundary described by Mr. Oswald." What is very noticeable is, that a line narrower, but drawn with care with an instrument, from the lower end of Lake Nipissing to the source of the Mississippi, as far as the map permits such a line to run, had once been drawn on the map, and has since been partially erased, though still distinctly visible.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

The report of the Commissioner to China, made in pursuance of the provisions of the act to carry into effect certain provisions of the treaties between the United States and China and the Ottoman Porte.

SEPTEMBER 9, 1850.

Referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

In answer to a resolution of the Senate of the 5th instant, I have the honor herewith to transmit to the Senate a letter from the Secretary of State, accompanied by a copy of the report of the Commissioner to China, made in pursuance of the provisions of the act to carry into effect certain provisions of the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers, &c.

MILLARD FILLMORE.

WASHINGTON, September 9, 1850.

DEPARTMENT OF STATE,
Washington, September 7, 1850.

The Secretary of State, to whom has been referred the Senate's resolution of the 5th instant, requesting the President of the United States to communicate to that body "the report of the Commissioner to China, made in pursuance of the provisions of the act to carry into effect certain provisions of the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers, &c., and any other information which he may possess concerning the execution of that law," has the honor to transmit to the President a copy of the report called for by the above-cited resolution.

Respectfully submitted:

DANIEL WEBSTER.

To the PRESIDENT.

LEGATION OF THE UNITED STATES,
Canton, China, February 18, 1849.

SIR: In accordance with the 6th section of the law of Congress, approved August 11, 1848, providing for the organization of judicial tribunals in China, I have the honor to submit herewith the regulations, orders, and forms drawn up by me in obedience to that law. In draughting these regulations and forms I had to encounter great embarrassment, consequent on my limited knowledge of law and its forms. And as the Hon. Secretary of State decided, in his despatch of the 1st of September last, that the law was to be executed without any instructions or supervision from his department, I was left solely to my own resources in execution of the task thus assigned me. Nor was I able to find in all China, Hong Kong, Macao, or the Philippine Islands, either an American lawyer or an American law-book to aid me, with the exception of the Statutes of the United States and Kent's Commentaries. Had I possessed much legal learning, however, the exercise of it in drawing up these regulations, &c., would have been inappropriate, for the reason that those who have to administer the law under them are destitute of all legal acquirements. I therefore studied to make them as brief and perspicuous as I possibly could, consistent with proper force and efficiency.

By the 5th section of the law organizing judicial tribunals in China, it is provided that "the Commissioner, with the advice of the several consuls for the five ports named in the said treaty, or *so many of them as can be conveniently assembled*, shall prescribe all forms," &c. It will be perceived that only one consul has assented formally to these regulations and forms, and for the obvious reason that there are but two American consuls in all China—one residing at this place, and the other at Shanghai, a distance of some eight hundred miles from this port; nor does our trade justify the appointment of consuls at the other three ports, viz: Amoy, Foo-chow, and Ningpo. The American trade, however, at the first-named of these places, is increasing, and may in a short time not only justify, but require, the appointment of a consul. There have been consuls appointed at some of the above-named ports, some years back; but, as far as I am advised, no American has ever made a residence at either of those places in a consular capacity.

I apprehend there will be found an error (perhaps in printing the original law) in the 5th line of the 9th section: the word "ninety" should be "sixty," as will be found by a careful reading of the 8th and 9th sections together.

There appear to be some defects in the law, which should be amended; but I prefer to let experience point them out—such being the most safe and certain means of ascertaining what modifications are essential.

The regulations are, in some unimportant respects, different from the laws of the United States; but only so when required by the peculiarity of this country in its business connexions with citizens of the United States. For example: the rate of interest allowed upon judgments is 10 to 12 per cent. This I found to be the usual rate current among merchants of all countries residing in China.

The fees, too, are higher than are usually paid in our courts; but I found it impracticable to obtain the services of competent American citizens as officers of consular courts without making them a more generous compensation than is paid by the courts in the United States. There is,

moreover, little incentive to accept the situations of marshal and clerk, from the fact that there will be but a small amount of judicial business to do, and most of that little will be done at the port of Canton.

The consul at this place has, under the new law, tried one American sailor on a charge of larceny, and found him guilty of conniving at and being accessory after the fact, and sentenced him to one year's imprisonment. A difficulty was experienced in procuring a proper place of confinement, as there is no jail here under the control of the American government or American citizens. This criminal is at present under confinement in the hulk of a vessel belonging to an American citizen, who is the marshal of the consular court at this place. He has thus far kept the prisoner without any means to defray the expenses of his keeping. I respectfully recommend an appropriation by Congress of a small sum—say fifteen hundred dollars—to pay the expenses necessarily incurred in organizing these consular courts, such as printing, &c., and for the expenses of keeping prisoners for the present. Such appropriations will not require to be repeated, as the funds arising from fines and forfeitures will, I have no doubt, be sufficient to pay all incidental expenses, after this judicial system shall have been some time in existence.

I have the honor to be, very respectfully, your obedient servant,

JNO. W. DAVIS.

To the PRESIDENT.

Regulations for the consular courts of the United States of America in China, together with the act of Congress of August 11, 1848, tables of fees, and forms for blanks used in consular courts.

UNITED STATES OF AMERICA, *Department of State:*

To all to whom these presents shall come, greeting: I certify that the following is a true and complete copy of "An act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries," copied from, and carefully collated with, the original roll on file in this department.

In testimony whereof, I, James Buchanan, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed. Done at the [L. s.] city of Washington, this twenty-eighth day of August, A. D. 1848, and of the independence of the United States the seventy third.

JAMES BUCHANAN.

LEGATION OF THE UNITED STATES,
Canton, November 29, 1848.

By direction of his excellency John W. Davis, Commissioner of the United States of America to China, the following act is hereby published for the information and guidance of citizens of the United States visiting or residing in China.

PETER PARKER,
Secretary of Legation.

AN ACT to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in these countries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, to carry into full effect the provisions of the treaty of July third, eighteen hundred and forty-four, with the Chinese empire, the commissioner, and the consuls of the United States, duly appointed to reside in China, shall, in addition to the other powers and duties imposed upon them by the provisions of said treaty, be vested with the judicial authority herein described, which shall appertain to the said office of commissioner and consul, and be a part of the duties belonging thereto.

SEC. 2. *And be it further enacted,* That, in regard to *crimes and misdemeanors*, the said public functionaries are fully empowered to arraign, and try in the manner herein provided, all citizens of the United States charged with offences against law, which shall be committed in the dominions of China, including Macao, and, upon conviction, to sentence such offenders in the manner herein authorized; and the said functionaries, and each of them, are hereby authorized to issue all such processes as are suitable and necessary to carry this authority into execution.

SEC. 3. *And be it further enacted,* That, in regard to *civil rights*, whether of property or person, the said functionaries are hereby vested with all the judicial authority necessary to execute the provisions of said treaty, and shall entertain jurisdiction in matters of contract at the port where, or nearest to which, the contract was made, or at the port at which, or nearest to which, it was to be executed; and in all other matters at the port where, or nearest to which, the cause of controversy arose, or at the port where, or nearest to which, the damage complained of was sustained; any such port above named being always one of the five mentioned in the treaty; which jurisdiction shall embrace all controversies between citizens of the United States, or others provided for by said treaty.

SEC. 4. *And be it further enacted,* That such jurisdiction in criminal and civil matters shall, in all cases, be exercised and enforced in conformity with the laws of the United States, which are hereby, so far as is necessary to execute said treaty, extended over all citizens of the United States in China, (and over all others to the extent the terms of the treaty justify or require,) so far as such laws are suitable to carry said treaty into effect; but in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies, the common law shall be extended in like manner over such citizens and others in China; and if defects still remain to be supplied, and neither the common law nor the statutes of the United States furnish appropriate and suitable remedies, the commissioner shall, by decrees and regulations which shall have the force of law, supply such defects and deficiencies.

SEC. 5. *And be it further enacted,* That, in order to organize and carry into effect the system of jurisprudence demanded by said treaty, the commissioner, with the advice of the several consuls for the five ports named in said treaty, or so many of them as can be conveniently assembled, shall prescribe the forms of all processes which shall be issued by any of said consuls; the mode of executing, and the time of returning the same; the manner in which trial shall be conducted, and how the records thereof

shall be kept; the form of oaths for Christian witnesses, and the mode of examining all other witnesses; the costs which shall be allowed to the prevailing party, and the fees which shall be paid for judicial services to defray necessary expenses; the manner in which all officers and agents to execute process, and to carry this act into effect, shall be appointed and compensated; the form of bail bonds, and the security which shall be required of the party who appeals from the decision of a consul; and generally, without further enumeration, to make all such decrees and regulations from time to time, under the provisions of this act, as the exigency may demand; and all such regulations, decrees, and orders, shall be plainly drawn up in writing, and submitted, as above provided, for the advice of the consuls, or as many of them as can be consulted without prejudicial delay or inconvenience, who shall each signify his assent or dissent in writing, with his name subscribed thereto; and after taking such advice, and considering the same, the commissioner may, nevertheless, by causing the decree, order, or regulation, to be published with his signature thereto, and the opinions of his advisers inscribed thereon, to become binding and obligatory, until annulled or modified by Congress; and it shall take effect from the publication, or any subsequent day thereto named in the act.

SEC. 6. *And be it further enacted*, That all such regulations, orders, and decrees shall, as speedily as may be after publication, be transmitted by the commissioner, with the opinions of his advisers, as drawn up by them severally, to the President, to be laid before Congress for revision.

SEC. 7. *And be it further enacted*, That each of the consuls aforesaid, at the port for which he is appointed, shall be competent under the authority herein contained, upon facts within his own knowledge, or which he has good reason to believe true, or upon complaint made, or information filed in writing and authenticated in such way as shall be prescribed by the commissioners, to issue his warrant for the arrest of any citizen of the United States charged with committing in China an offence against law, and when arrested, to arraign and try any such offender, and, upon conviction, to sentence him to punishment in the manner herein prescribed, always meting out [punishment] in a manner proportioned to the offence; which punishment shall, in all cases, except as is herein otherwise provided, be either fine or imprisonment.

SEC. 8. *And be it further enacted*, That any consul, when sitting alone for the trial of offences, shall finally decide all cases where the fine imposed does not exceed one hundred dollars, or the term of imprisonment does not exceed sixty days; and there shall be no appeal therefrom, except as provided in section eleven of this act.

SEC. 9. *And be it further enacted*, That when sitting alone, he may also decide all cases in which the fine imposed does not exceed five hundred dollars, or the term of imprisonment does not exceed ninety days; but in all such cases, if the fine exceeds one hundred dollars, or the imprisonment exceeds ninety days, the defendant may, by complying with the requirements in cases of appeal, carry the case before the commissioner by appeal.

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SEC. 10. *And be it further enacted*, That whenever in any case the consul shall be of opinion that, by reason of the legal questions that may arise therein, assistance will be useful to him, or whenever he shall be of opinion that a severer punishment than those above specified will be re-

quired, he shall in either case summon one or more citizens of the United States, not exceeding four in number, but in capital cases not less than four, who shall be persons of good repute and competent to the duty, to sit with him in the trial, and who, after so sitting upon the trial, shall each enter upon the record his judgment and opinion, and sign the same. The consul shall, however, decide the case; but if his decision is opposed by the opinion of one or more of his associates, the case, without further proceedings, together with the evidence and opinions, shall be referred to the commissioner for his final adjudication, either by entering up judgment therein, or remitting the same to the consul, with instructions how to proceed therewith; but in all such cases, except capital offences, if the consul and his associates concur in opinion, the decision shall be final.

SEC. 11. *And be it further enacted*, That the consuls aforesaid, and each of them, at the port for which he is appointed, shall have jurisdiction, as is herein provided, in all civil cases arising under said treaty, wherein the damage demanded does not exceed the sum of five hundred dollars; and if he see fit to decide the same without aid, his decision thereon shall be final; but if in his judgment any case involves legal perplexities, and assistance will be useful, or if the damage demanded exceeds five hundred dollars, in either such case it shall be his duty to summon to his aid not less than two, nor more than three, citizens of the United States, of good repute and competent to the duty, who shall with him hear any such case; and if the consul and his associates concur in opinion, the judgment shall be final; but if the associates, or any of them, differ from the consul, the opinions of all shall be noted on the record, and each shall subscribe his name to his assent to, or dissent from, the consul, with such reasons therefor as he thinks proper to assign, and either party may thereupon appeal, under such regulations as may exist, to the commissioner; but if no appeal is lawfully claimed, the decision of the consul shall be final and conclusive.

SEC. 12. *And be it further enacted*, That in all cases, criminal and civil, the evidence shall be taken down in writing in open court, under such regulations as may be made for that purpose; and all objections to the competency or character of testimony shall be noted down, with the ruling in all such cases, and the evidence shall be part of the case.

SEC. 13. *And be it further enacted*, That the commissioner of the United States shall, in addition to his power to make regulations and decrees, as is herein provided, be fully authorized to hear and decide all cases, criminal and civil, which may come before him under the provisions of this act, and to issue all processes necessary to execute the power conferred upon him; and he is hereby fully empowered to decide finally any case upon the evidence which comes up with it, or to hear the parties further, if he thinks justice will be promoted thereby; and he may also prescribe the rules upon which new trials may be granted, either by the consuls or by himself, if asked for upon justifiable grounds.

SEC. 14. *And be it further enacted*, That in all cases, except as is herein otherwise provided, the punishment of crime provided for by this act shall be by fine or imprisonment, or both, at the discretion of the functionary who decides the case, but subject to the regulations herein contained, and such as may hereafter be made. It shall, however, be the duty of each and every functionary to allot punishment according to the magnitude and aggravation of the offence; and all who refuse or neglect to comply

with the sentence passed upon them, shall stand committed until they do comply, or are discharged by order of the consul, with the consent of the commissioner.

SEC. 15. *And be it further enacted*, That murder and insurrection, or rebellion against the Chinese government, with intent to subvert the same, shall be capital offences, punishable with death; but no person shall be convicted of either of said crimes unless the consul and his associates in the trial all concur in opinion, and the commissioner also approves of the conviction; but it shall always be lawful to convict one put upon trial for either of these crimes or of a lesser offence of a similar character, if the evidence justifies it; and when so convicted, to punish as for other offences, by fine or imprisonment, or both.

SEC. 16. *And be it further enacted*, That whenever any one shall be convicted of either of the crimes punishable with death, as aforesaid, it shall be the duty of the commissioner to issue his warrant for the execution of such convict, appointing the time, place, and manner; but if the said commissioner shall be satisfied that the ends of public justice demand it, he may from time to time postpone such execution; and if he finds mitigatory circumstances which may authorize it, may submit the case to the President of the United States for pardon.

SEC. 17. *And be it further enacted*, That it shall be the duty of the commissioner to establish a tariff of fees for judicial services, which shall be paid by such parties, and to such persons, as said commissioner shall direct; and the proceeds shall, as far as is necessary, be applied to defray the expenses incident to the execution of this act; and regular accounts, both of receipts and expenditures, shall be kept and laid before Congress by the commissioner annually.

SEC. 18. *And be it further enacted*, That, in consideration of the duties herein imposed upon the commissioner, there shall be paid to him, out of the treasury of the United States, annually, the sum of one thousand dollars, in addition to his salary; and there shall also be paid, annually, to each of said consuls, for a like reason, the sum of one thousand dollars, in addition to consular fees.

SEC. 19. *And be it further enacted*, That in all criminal cases which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the commissioner or consul, to adjust and settle the same among themselves, upon pecuniary or other considerations.

SEC. 20. *And be it further enacted*, That it shall be the duty also of the commissioner and the consuls to encourage the settlement of controversies of a civil character by mutual agreement, or to submit them to the decision of referees agreed upon by the parties, a majority of whom shall have power to decide the matter. And it shall be the duty of the commissioner to prepare a form of submission for such cases, to be signed by the parties and acknowledged before the consul; and when parties have so agreed to refer, the referees may, after suitable notice of the time and place of meeting for the trial, proceed *ex parte*, in case either party refuses or neglects to appear; and, after hearing any case, may deliver their award, sealed, to the consul, who, in court, shall open the same; and, if he accepts it, he shall endorse the fact, and judgment shall be rendered thereon, and execution issue in compliance with the terms thereof: *Provided, how-*

ever, That the parties may always settle the same before return thereof is made to the consul.

SEC. 21. *And be it further enacted*, That the commissioner and the consuls shall be fully authorized to call upon the Chinese authorities to sustain and support them in the execution of the powers confided to them by said treaty, and on their part to do and perform whatever is necessary to carry the provisions of said treaty into full effect, so far as they are to be executed in China.

SEC. 22. *And be it further enacted*, That the provisions of this act, so far as the same relate to crimes committed by citizens of the United States, shall extend to Turkey, under the treaty with the Sublime Porte of May seventh, eighteen hundred and thirty, and shall be executed in the dominions of the Sublime Porte, in conformity with the provisions of said treaty, by the minister of the United States, and the consuls appointed by the United States to reside therein, who are hereby *ex officio* vested with the powers herein contained, for the purposes above expressed, so far as regards the punishment of crime.

SEC. 23. *And be it further enacted*, That the word *commissioner*, when used in this act, shall be understood to mean the persons vested with and exercising the principal diplomatic functions in China; and the word *minister*, as meaning the person vested with the powers of chief diplomatic functionary of the United States in Turkey. The word *consul* shall be understood to mean any person vested by the United States with, and exercising the consular authority, in any of the five ports in China named in the treaty, or in any port in Turkey.

SEC. 24. *And be it further enacted*, That all such officers shall be responsible for their conduct to the United States and to the laws thereof, not only as diplomatic functionaries and commercial functionaries, but as judicial officers when they perform judicial duties, and shall be held liable for all negligencies and misconduct as public officers.

ROBT. C. WINTHROP,
Speaker of the House of Representatives.

DAVID R. ATCHISON,
President pro tempore of the Senate.

Approved August 11, 1848.

JAMES K. POLK.

Regulations for the consular courts of the United States of America in China.

By authority of Congress given for the fulfilment of existing treaty stipulations between the United States of America and China, the following regulations and forms for the use and government of the United States consular courts in China are ordered and established, in conformity to an act of Congress hereunto prefixed, approved August 11, 1848, entitled "An act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte; giving certain judicial powers to ministers and consuls of the United States in those countries."

The treaty between the United States and China is to be the paramount law to the consul, in the exercise of his judicial functions. The law of the 11th of August above mentioned, and the laws of Congress generally, so far as they are applicable, are to be strictly observed, and executed with as much promptness and impartiality as practicable.

Before entering upon the discharge of his judicial duties, the consul will take and subscribe the following oath, before some person competent to administer the same:

I (A. B.) do solemnly swear (*or affirm*) that I will administer justice without respect to persons, and will in all things faithfully and impartially discharge all the duties incumbent upon me, as judge of a consular court in China, to the best of my ability, according to the constitution and laws of the United States. So help me God.

A copy of this affidavit is to be spread upon the records of the consular court, with the date, and the name of the person administering it.

By the 10th, 11th, and 15th sections of the act before referred to, it is provided that consuls shall summon, to sit with them in the trial of certain specified causes, a citizen or citizens of the United States, not to exceed four in number, "of good repute and competent to the duty," who shall give his or their advice and judgment to the consul in the case under consideration.

By the 31st section of an act of Congress, approved February 13, 1801, entitled "An act to provide for the more convenient organization of the courts of the United States," the consul, as judge of a consular court, is authorized and empowered to administer all necessary oaths and affirmations.

The following is the form of the oath to be administered by the consul to such citizens of the United States as he may summon to sit with him in any trial:

You (*and each of you*) do solemnly swear that you will faithfully hear and duly consider the testimony to be submitted in this case, wherein the United States is plaintiff, and (M. N.) is defendant, [*in civil suits*, wherein (O. P.) is plaintiff, and (K. S.) is defendant,] and a fair and impartial opinion give to this court, in the premises, to the best of your ability. So help you God.

In cases where citizens of the United States sitting upon any trial with the consul shall concur in his judgment, they shall sign the docket with him; and if they, or either of them, dissent from the consul's opinions, they shall respectively enter their judgments upon the docket, and sign the same.

The amount allowed for the services of citizens associated with the consul in trials will be found in the annexed table of fees.

Clerks.

Each consul may appoint a clerk, to perform such services as shall properly appertain to the duties of a clerk to a consular court, who, before entering upon his said duties, shall take the following oath, which shall be administered to him by the consul:

You do solemnly swear (*or affirm*) that you will faithfully record all the proceedings of the consular court of the United States at ———, China, and duly and promptly perform all the duties incident to that station during your continuance in office, to the best of your ability. So help you God.

The clerk will be entitled to receive for his services fees at the rate fixed in the table hereunto annexed.

Marshals.

Each consul shall be entitled to appoint a marshal, who shall perform all the executive duties enjoined upon him by the consular court making such appointment, and who, before entering upon the duties of his office, shall give bonds to the United States, in such penal sum as the consul may direct, conditioned for the faithful performance of his duties, and the paying over to the court, without delay, any and all moneys by him collected. He shall also, before entering upon the duties of his office, take the following oath, to be administered by the consul:

You do solemnly swear (*or affirm*) that you will faithfully discharge all the duties incumbent upon you as marshal for the United States consular court at ———, China, to the best of your ability. So help you God.

The fees to which the marshal shall be entitled for his services will be found in the table of fees annexed.

All criminal prosecutions shall be brought in the name of the *United States*. All bonds and recognizances taken in criminal proceedings shall be made payable to the United States, and, if necessary, sued for and collected in the name of that authority, judgment having been first rendered thereon according to equity. And all fines and forfeitures collected shall be duly reported semi-annually to the Commissioner for the time being of the United States in China.

By section 7 of the act above named, the jurisdictions of consuls in criminal cases are concurrent over citizens of the United States in China. In all cases of complaint made, or information filed, charging crime upon any person under the consul's jurisdiction, such complaint or information shall be verified by affidavit, unless he has good reason to believe the same true.—*For form of warrant to arrest on a criminal charge, see Appendix, No. 1.*

Upon arraigning any person upon a criminal charge, the consul will state to him the offence with which he stands charged; and, before proceeding to his trial, if he desire a reasonable time to procure witnesses to testify in his behalf, such reasonable time may be granted, if justice require it; and, at the opening of the trial, the consul will propound the question to the accused whether, to the charge against him, he pleads guilty or not guilty. If the accused pleads guilty, the consul may examine any witnesses he produces in mitigation of his punishment, and may also examine any witnesses in behalf of the United States to show that the offence was one of an aggravated character.

If the accused pleads not guilty, the consul will proceed to examine such evidence as may be before him, allowing to the accused the privilege of cross-examining the witnesses for the United States in a respectful manner, after they shall have testified in chief; and, after hearing all the testimony, and carefully considering the facts presented, if the consul shall be of opinion that the accused is guilty of the offence charged, or any minor offence that may properly be included in such charge, he will proceed to assess such punishment upon him as, according to his sense of justice, under the laws of the United States, his crimes may merit.

In the trial of all criminal prosecutions, as well as civil suits, if a wit-

ness, having been duly subpoenaed, shall fail, or refuse, to attend at the time and place required, the consul may issue his writ of attachment, (*see form No. 2.*) and bring such witness before him to answer for a contempt, and, upon a careful hearing of his case, if justice demands it, the consul may punish such witness by fine or imprisonment.

Under section 13 of the act, new trials may be granted in criminal cases upon the accused filing his affidavit, therein setting forth such material facts as he believes he shall be able to prove on a rehearing of his case, or setting forth, to the satisfaction of the consul, that he had exercised due diligence to obtain certain material evidence which he seeks to present at a subsequent trial, and had failed to obtain it.

In criminal cases, the costs of prosecution may be taxed up with the judgment, and collected by execution, distress, and sale, as in other cases.

The 10th section of the act referred to sets forth the terms and conditions upon which criminal cases may be appealed, or referred to the United States Commissioner. By the 12th section of the same act, the consul is required to spread upon the records of his court all the testimony given in the trial of causes, civil and criminal, and also to note all objections to the character or competency of testimony, with the ruling in all such cases; and in appeals, a full and complete transcript of the proceedings and testimony is to be sent up to the court of the commissioner.

All writs and processes issuing from consular courts shall be attested by the seal of said court, and the signature of the consul.

Bail may be taken before trial and conviction in all criminal cases, except where, upon conviction, the punishment may be death: the penalty of the bail bond so taken being always for a sum corresponding to the magnitude of the offence; taking care, however, not to demand excessive sums as penalty. (*For form of bail bond, see Appendix No. 3.*) Or recognizances may be taken in open court of the same tenor as the bond, by the parties being present and acknowledging the same, and by spreading such recognizance upon the records of the court, which shall have the same force and effect as a bond.

Of Civil Actions.

All civil actions shall be brought for either debt or damages. The geographical jurisdictions of the respective consuls in civil suits is designated by the 3d section of the act of August 11, 1848.

In all cases where a consul is personally interested in the event of any suit he may be called upon to try, he shall, on application of either of the parties to such suit, certify the same to the next nearest consul, who shall take cognizance of and try such cause as though his jurisdiction had been original; or the Commissioner of the United States for the time being may take cognizance of such cases, if they originate at the port where he is a resident.

There shall be no imprisonment for debt, unless, upon due examination, fraud be proved against the execution defendant, in concealing or embezzling his property, so that execution cannot reach it.

In all actions of debt or for damages, the consul shall, upon the filing of any account, bill of damages, note of hand, or other evidence of debt, enter the same on his docket in due form, and, if required, issue summons thereon to the marshal, who shall serve the same on the debtor personally,

or by a copy left at his usual place of residence; such service to be not less than three days before the day of trial. (*See form of summons No. 4.*) And if the defendant be a transient person, and the consul be of opinion that justice requires it, he may instruct the marshal to require security of the defendant for his appearance at the time and place of trial.

And the consul shall, upon the application of either of the parties, issue his subpoena (*for form, see No. 5*) for such witnesses as they may respectively desire; and if, at the trial of any suit, the defendant, having been duly summoned, and being three times severally called, shall fail to attend by himself or agent, judgment may be rendered against him by default, for such sum as justice and equity may seem to demand; and if the plaintiff fail to attend, by himself or agent, and prosecute his suit, having been notified of the time of trial, judgment may be rendered against him for such costs and charges as may be just and proper.

Upon the trial of any civil suit, both parties being present, the witness or witnesses for the plaintiff, if any, shall first testify, and, after having testified in chief, may be cross-examined by the defendant, and, after the defendant's witnesses, if any, have testified in chief, they may in like manner be cross-examined by the plaintiff.

After hearing all the testimony, and carefully considering the facts presented, the consul will render judgment thereon according to justice and equity.

In all civil actions, the costs are to be taxed up with, and collected in the same manner as, the judgment; but the costs may, in the first instance, be demanded of, and shall be considered as due from, the party requiring any legal service of either the marshal or clerk; and all witnesses in civil cases duly subpoenaed shall be entitled to one day's pay, and their mileage in advance, if they demand it.

Granting new Trials.

New trials may be granted in civil suits by the party applying therefor complying with the terms and conditions mentioned for the granting of new trials in criminal prosecutions.

Terms of Appeal in Civil Cases.

Upon the rendering of any judgment before a consul, either party to such judgment may appeal to the United States commissioner, if the appeal be justified by the provisions of the 11th section of the act authorizing consular courts.

And in all such cases of appeal, the appellant shall give bond to the appellee, to be filed in the court granting the appeal, in such sum as will cover the costs and damages consequent on such appeal; conditioned that he prosecute his appeal, and answer all damages and costs if he fail to make his plea good, (*see form, No. 6.*) If the consul be of opinion that justice requires that security be given by the appellant, he can vary the bond accordingly, binding all the parties thereto jointly and severally to the faithful fulfilment of its conditions.

All appeals must be demanded according to law, and within five days after the date of the judgment.

And all judgments shall be a lien on all property, real, personal, and

mixed, of the judgment debtor from the date of their rendition. All judgments shall bear the same rate of interest that the obligation upon which they were rendered was bearing at the time of entering up the judgment, not to exceed 12 per cent. per annum; and the rate of interest upon all other judgments shall be 10 per cent. per annum.

Of Executions.

Immediately after the entering up of any judgment, execution may be issued thereon, (*according to form, No. 7,*) to be levied on the goods, chattels, and effects of the execution defendant; and all goods, chattels, or effects so taken under execution shall be sold by the marshal at public auction to the highest bidder for cash: provided that at least fifteen days' notice of the time and place of such sale shall be given, by posting up advertisements at not less than three public places contiguous to the place of sale.

All executions shall be returned to the consular court from which they issued within ninety days from date on which they passed into the hands of the marshal, or sooner if the money be made thereon. And executions may be renewed at the end of ninety days, if the debt, interest, and costs be not made thereon, and the consul is of opinion that justice to all parties will thereby be promoted. Such new execution shall in all respects be governed by the same laws and regulations as the first.

All moneys received by consuls on account of parties litigant shall be paid over on demand to persons entitled to receive them.

By the 31st section of the act of Congress, approved February 13, 1801, the consul is authorized and empowered to hold to security of the peace, and for good behavior, any citizen of the United States charged upon affidavit with a declared intention of violating the personal safety of another; provided that the affiant be the person whose personal safety is so threatened or endangered. In that case, the consul may require the party charged, by compulsory process if necessary, to appear before him, and to give bond to the United States in such sum as in his judgment may be just and right, conditioned that the party charged shall keep the peace for a given period towards all persons, but especially towards the affiant:

On the Forms of Evidence.

The form of oath for Christian witnesses has been already referred to, and will be found in the appendix, (*see form, No. 8.*)

The Jews swear upon a manuscript copy of the Old Testament in Hebrew, and the consul will adopt this method, if such copy of the Old Testament can be conveniently obtained; if not, he will administer the oath (in the same form as to Christian witnesses) upon the Hebrew Old Testament.

The Mohammedans swear by the Almighty upon a manuscript copy of the Koran, or a part thereof if the whole cannot be had, resting on or held over their heads, saying, That as they believe the Koran to be sent down to the Mussulmen from heaven, so they, fearing its Author, will speak the truth, and nothing but the truth.

The Parsees swear by laying their hands upon the Zendavesta, (or sacred book of the people,) and saying, "Upon my word, upon my honor,

upon my religion," or in their language words equivalent thereto. The oath should be administered by a Parsee priest, if one be convenient; if not, it can be administered by one Parsee to another. The Zendavesta being a book usually found in the house of every Parsee, little trouble will be experienced in getting one.

As the manner of swearing the Chinese varies in different parts of the empire, the consul will diligently inquire for the form considered the most binding upon those about to testify, and adopt that mode; but it will be important to exercise great caution, as well as discretion, in receiving testimony of all persons influenced by neither a legal nor moral obligation; and with Chinese witnesses, it should be distinctly understood that the laws of the United States do not authorize the infliction of any corporal punishment in order to extort the truth.

It will be the duty of the consul, according to the spirit of the 19th and 20th sections of the act, to encourage the settlement of all disputes and controversies by the parties themselves. This portion of the law is sufficiently explicit to render further instructions unnecessary. The 20th section also provides for the settlement of civil controversies by a reference to disinterested parties, and the consul's attention is particularly directed to this portion of the law. A form of submission for arbitrated cases, with a form for the award, is appended, (*see form, No. 9.*)

The judicial duties of the consul are specially indicated by the 3d, 4th, 7th, 8th, 9th, 10th, 11th, 12th, 14th, 15th, 19th, and 20th sections of the law authorizing consular courts; to which his particular attention is directed. The following references to the Laws of the United States (Little and Brown's edition) may, to some extent, be rendered applicable in administering judicial duties, viz: Vol. I, pages 23, 73, 404, and 609; Vol. II, pages 89, 697; Vol. III, pages 19, 643, 646; Vol. IV, pages 115, 197, 487, 503; and Vol. V, pages 321, 392, 516.

As no provision has been made by Congress to pay the costs in cases where the United States as a party fails in the prosecution, no fees can be claimed or expected, unless provision shall hereafter be made for that object.

Such alterations and additions will hereafter be made to the foregoing orders and regulations as may, in the wisdom of Congress, seem proper, or such as experience may suggest to the commissioner of the United States in China.

JOHN W. DAVIS,
United States Commissioner to China.

Assented to:

PAUL S. FORBES,
Consul U. S. A., Canton.

CANTON, CHINA, *January 2, 1849.*

APPENDIX.

TABLES OF FEES TO BE LEVIED IN THE CONSULAR COURTS.

Marshal's fees.

For serving any writ, warrant, attachment, or other compulsory process, each person	-	-	-	-	-	\$2 00
For serving summons	-	-	-	-	-	1 00
For returning all writs, attachments, warrants, summons, and sub-pœnas, each	-	-	-	-	-	50
For each bail bond	-	-	-	-	-	1 00
For every commitment or discharge of prisoner	-	-	-	-	-	2 00
On subpœnas for each witness summoned	-	-	-	-	-	50
For returning subpœna	-	-	-	-	-	25
For each day's attendance upon court	-	-	-	-	-	3 00
For levying execution	-	-	-	-	-	1 50
For advertising property for sale	-	-	-	-	-	2 00
For releasing property under execution by order of plaintiff	-	-	-	-	-	3 00
For selling property under execution, where the amount collected does not exceed \$1,000	-	-	-	-	-	5 per cent.
If over \$1,000, and not exceeding \$5,000	-	-	-	-	-	3 " "
If over \$5,000	-	-	-	-	-	2 " "
For travelling fees in serving all processes	-	-	-	-	-	15 cts. per mile.

Clerk's fees.

For issuing all writs, warrants, attachments, or other compulsory process	-	-	-	-	-	\$1 50
For executions	-	-	-	-	-	1 00
For summons and subpœnas	-	-	-	-	-	50
For all records, at the rate of for each hundred words	-	-	-	-	-	20
For filing each paper upon the return of the marshal, and all other papers filed in court	-	-	-	-	-	10

Witnesses' fees.

For every day's attendance at court	-	-	-	-	-	1 50
For each mile travelled in going to and returning from court	-	-	-	-	-	20

Fees of citizen associates of the court.

For each day's attendance	-	-	-	-	-	3 00
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FORM OF BLANKS TO BE USED IN THE CONSULAR COURTS.

No. 1.—*Form of warrant on a criminal charge.*

UNITED STATES CONSULAR COURT,
 ———, China, ———, 18—.

United States }
 vs. } Charge of (*specify.*)
 C. D. }

To (A. B.,) marshal of said court:

You are hereby commanded forthwith to bring before me the body of (C. D.,) if found within this consular jurisdiction, to answer upon a charge of (*here insert the crime with which charged*).

And of this writ make due return.

[L. s.] ———, U. S. Consul.

No. 2.—*Form of attachment.*

UNITED STATES CONSULAR COURT,
 ———, China, ———, 18—.

To (A. B.,) marshal of said court:

You are hereby commanded to attach the body of (C. D.,) if found within this consular jurisdiction, and him bring before this court to answer a contempt by him committed in not obeying the subpoena of this court to appear and testify for the plaintiff (*or defendant*) in the case of (I. C.) *vs.* (D. F.) And of this writ make due return.

[L. s.] ———, U. S. Consul.

No. 3.—*Form of bail bond.*

UNITED STATES CONSULAR COURT,
 ———, China, ———, 18—.

Be it remembered; that on this day we, the undersigned, jointly and severally acknowledge ourselves indebted to the United States of America in the penal sum of ——— dollars; for the payment whereof we bind ourselves, our heirs, and legal representatives firmly by these presents.

The condition of the above obligation is such, that whereas (O. P.,) one of the undersigned, a citizen of the United States, stands charged before this court with (*here recite the crime charged*): Now, if the said (O. P.) shall be and appear before this consular court on the ——— day of ———, 18—, then and there to answer to the said charge, and not depart the court without leave, then and in that case this obligation to be void, otherwise to remain in full force and virtue.

(*To be signed by the parties.*)

No. 4.—*Form of summons.*

UNITED STATES CONSULAR COURT,
 _____, China, _____, 18—.

I. D. }
 vs. } An action of debt, (or for damages.)
 R. R. }

To (A. B.,) marshal of said court:

You are hereby commanded to summon (R. R.,) if found within this consular jurisdiction, to be and appear before me at _____ o'clock a. m. (or p. m.) on the _____ day of _____, to answer (J. D.) on a plea of debt, (or damages,) wherein the amount claimed is _____ dollars and _____ cents. And of this writ make due return.

[L. s.] _____, U. S. Consul.

No. 5.—*Form of subpoena.*

UNITED STATES CONSULAR COURT,
 _____, China, _____, 18—.

I. H. }
 vs. } Action of debt, (or for damages.)
 C. D. }

To (A. B.,) marshal of said court:

You are hereby commanded to summon (J. K., I. B., and O. C.,) if found within this consular jurisdiction, to be and appear before me at _____ o'clock a. m. (or p. m.) on the _____ day of _____, 18—, to give evidence in this case in behalf of the plaintiff, (or defendant.) And of this subpoena make due return.

[L. s.] _____, U. S. Consul.

NOTE.—If the subpoena be issued in a criminal case, it will be varied accordingly.

No. 6.—*Form of an appeal bond.*

Know all men by these presents, that I, (O. P.,) of _____, am held and firmly bound to (C. D.,) of (the same place,) in the penal sum of (here insert the sum probably required to pay costs and damages,) for the payment whereof I hereby bind myself, my heirs and legal representatives, firmly by these presents.

The condition of the above obligation is such, that whereas the above named (C. D.) did, on the _____ day of _____, 18—, obtain judgment against me before (P. S.,) consul of the United States for the port of _____, for the sum of _____ dollars _____ cents, upon which judgment an appeal has this day been granted to the court of the United States Commissioner: Now, therefore, if the undersigned shall appear and prosecute my said appeal, and answer all costs and damages consequent upon the

Ex. 2.

affirmance of said judgment before said commissioner, then and in that case the above bond and obligation to be void; otherwise to remain in full force and virtue.

Witness my hand and seal.

Dated at _____,
_____, 18—.

_____. [L. S.]

No. 7.—Form of execution.

UNITED STATES CONSULAR COURT,
_____, China, _____, 18—.

B. C. }
vs. } An action of debt, (or for damages.)
D. E. }

To (A. B.,) marshal of said court:

Whereas (B. C.,) plaintiff in this case, did, on the _____ day of _____, obtain judgment before me against the said (D. E.) for the sum of _____ dollars and _____ cents, you are hereby commanded of the goods and chattels of the said (D. E.) to levy, and by distress and sale thereof make the said sum. And of this writ, with the money made thereon, make due return.

[L. S.]

_____, U. S. Consul.

No. 8.—Form of oath for Christian witness.

You do solemnly swear (or affirm) that the evidence you will give in this case, wherein the United States is plaintiff, and (P. T.) is defendant, shall be the truth, the whole truth, and nothing but the truth. So help you God.

NOTE.—In civil suits, vary the above form accordingly.

No. 9.—Form of submission for arbitrated cases.

UNITED STATES CONSULAR COURT,
_____, China, _____, 18—.

A. B. }
vs. } An action of debt, (or for damages.)
C. D. }

We, the undersigned, parties in this case, do mutually agree to submit the arbitration and decision thereof to (G. H.,) chosen by the plaintiff, and (I. J.,) chosen by the defendant, with power to said (G. H.) and (I. J.) to select an umpire; and we further agree to submit to the award of

said arbitrators, or a majority of them, and consent that their said award shall be final when returned into this court; and we authorize the consul to render judgment thereon in accordance with the award.

A. B.
C. D.

Witness:

_____, *U. S. Consul.*

—

Form of award.

A. B. }
vs. }
C. D. }

We, the undersigned, arbitrators chosen in this case in accordance with the form of submission presented to us, after hearing the testimony, and carefully considering the same, do award _____ dollars _____ cents in favor of _____, plaintiff, (*or defendant.*)

(*To be signed by the arbitrators agreeing thereto.*)

Dated _____, 18—.

REPORT

FROM

THE SECRETARY OF WAR,

ENCLOSING

A report from the Colonel of the Topographical Engineers, with a map showing the operations of the army of the United States in Texas and the adjacent Mexican States on the Rio Grande.

SEPTEMBER 7, 1850.

Ordered that the report be printed and the map engraved, and that 3,500 additional copies of the map be printed, 500 of which for the Topographical Bureau.

WAR DEPARTMENT, WASHINGTON,
September 6, 1850.

SIR: In compliance with a resolution of the Senate of the 8th of August, 1848, I have the honor to submit herewith a report from the colonel of the corps of topographical engineers, with a map "from the reconnaissances and surveys of the topographical engineers, showing the operations of the army of the United States in Texas and the adjacent Mexican States on the Rio Grande," and extended so as to embrace that portion of the United States and their territories lying between the Mississippi and the Pacific. The military memoirs called for by the resolution have already been communicated to Congress under subsequent resolutions, passed during the time occupied in the preparation of the map.

Very respectfully, your obedient servant,

C. M. CONRAD,
Secretary of War

HON. WILLIAM R. KING,
President of the Senate.

BUREAU OF TOPOGRAPHICAL ENGINEERS,
Washington, September 6, 1850.

SIR: I have the honor to submit a map of the United States and their territories between the Mississippi and the Pacific, exhibiting also a part of Mexico.

The map has been compiled under a resolution of the Senate, of the 8th August, 1848. As all the surveys and memoirs referred to in that resolution had been communicated, or were in preparation for being communicated, under special calls in reference to each, and which were anticipated in reference to each, and which have been since made and compiled

with, it was understood as the desire of the honorable mover of the resolution that a general map of the whole should be compiled, not merely of the lines of military operations within the extent of country indicated, but of the whole country, according to the best authorities, between the Mississippi and the Pacific, and of such parts of Mexico which came within those limits; so that the map should exhibit in one connected view the whole of that extensive region, and in accordance with the best authorities which could be obtained.

In conformity with these considerations, the map now submitted has been compiled. It has been a work of great labor, from the difficulties in procuring authorities, and the difficulties in reconciling conflicting authorities. I have no doubt it will be hereafter improved, or that it would be improved if longer retained in the office, from information occasionally received.

But believing it to be the best map extant of the country it exhibits, and the best which can be compiled from information now in possession of this office, I have considered it proper to bring the work to a close, and to send the map, for the use of the Senate, as it now is.

Respectfully, sir, your obedient servant,

J. J. ABERT,

Colonel Corps Topographical Engineers.

Hon. C. M. CONRAD,
Secretary of War.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A copy of the constitution adopted by the inhabitants of New Mexico, together with a digest of the votes for and against it; also, a letter to the late President of the United States.

SEPTEMBER 9, 1850.

Read, and ordered to lie on the table.

SEPTEMBER 10, 1850.

Ordered to be printed.

To the Senate of the United States:

In compliance with the request of the Honorable Manuel Alvarez, acting governor, &c., I have the honor to transmit to the Senate herewith a copy of the constitution recently adopted by the inhabitants of New Mexico, together with a digest of the votes for and against it.

Congress having just passed a bill providing a territorial government for New Mexico, I do not deem it advisable to submit any recommendation on the subject of a State government.

MILLARD FILLMORE.

WASHINGTON, September 9, 1850.

SANTA FE, July 15, 1850.

SIR: In compliance with the provisions of section 11 of the schedule to the constitution of the State of New Mexico, I enclose you a copy of said constitution, and a digest of the votes given for and against it, with a request that you will lay them before Congress at your earliest convenience.

I am, with respect, your most obedient servant,

MANUEL ALVAREZ.

General Z. TAYLOR,

President of the United States.

Digest of the votes given for and against the constitution of the State of New Mexico.

	For the constitution.	Against the constitution.
In the county of Taos - - - -	1,339	35
In the county of Rio Arriba - - - -		
In the county of San Miguel - - - -	203	
In the county of Santa Anna - - - -	1,146	
In the county of Bernalillo - - - -	1,504	1
In the county of Valencia - - - -	2,008	1
In the county of Santa Fe - - - -	571	2
Total - - - -	6,771	39

I, Manuel Alvarez, acting governor of the State of New Mexico, do hereby certify that the above is a true copy of the votes given for and against the constitution.

Given under my hand and seal, (there being no great seal for the State,) this fifteenth day of July, A. D. eighteen hundred and [L. s.] fifty, in the city of Santa Fe.

MANUEL ALVAREZ.

By the governor:

LEWIS D. SHEETS, *Secretary of State.*

Constitution of the State of New Mexico.

PREAMBLE.

We, the people of New Mexico, in order to establish justice, promote the welfare, and secure the blessings of liberty to ourselves and our posterity, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe, and imploring his aid and direction in its accomplishment, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent State, by the name of the State of New Mexico, with the following limits and boundaries, to wit, as follows:

BOUNDARIES.

Beginning at the dam in the Rio del Norte, which supplies with water the "*asequia*," or irrigating canal of the town of El Paso del Norte, and running thence due east to the hundredth parallel west from Greenwich; thence due north on said parallel to a point where the same intersects the river Arkansas; thence up the middle of the channel of said river to

its source; thence in a direct line to a point on the Rio Colorado of California where the same is intersected by the one hundred and eleventh parallel of longitude west from Greenwich; thence due south on the said parallel of longitude to a point on the Rio Gila intersected by the same; thence up the middle of the main channel of the said river to the point which may be designated by the commissioners appointed to establish the line between the United States and the republic of Mexico as the point where said river or one of its branches shall be intersected by the western line of New Mexico; thence southerly on the said line, as the same shall be established by the commissioners, to the angle formed by the States of Chihuahua, Sonora, and New Mexico; thence easterly on the line between the United States and the republic of Mexico, as it shall be laid down by said commissioners, to a point where the same may intersect the Rio del Norte; thence down said river to the place of beginning.

ARTICLE 1.—*Declaration of rights.*

SECTION 1. All men being born equally free and independent, and having certain natural, inherent, and inalienable rights, amongst which are the enjoying and defending of life and liberty, the acquirement, possession, and protection of property, and the pursuit and attainment of happiness, therefore, no male person shall be held by law to serve any person as a servant, slave, or apprentice, after he arrives at the age of twenty-one years, nor female, in like manner, after she arrives at the age of eighteen years, unless they be bound by their own consent after they arrive at such age, or are bound by law for punishment of crime.

2. All power is inherent in the people; all free governments are founded in their authority; they have therefore an inalienable and indefeasible right to institute government, to alter and reform, or to totally change the same, when their safety or happiness requires it.

3. All men have a natural and indefeasible right to worship God according to the dictates of their own consciences, which right shall never be infringed; and no preference shall ever be given by law to any religious society, mode of worship, or any control or interference with the rights of conscience be permitted.

4. No religious test shall ever be required as a qualification to any office of public trust in this State; nor shall the civil rights, privileges or capacities of any citizen in any manner be diminished or enlarged on account of his religious opinions, except as is in this constitution hereinafter provided.

5. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

6. No law shall ever be passed to curtail or restrain the liberty of speech or the press.

7. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures; and no warrant shall issue without describing the place to be searched, or the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

8. All elections shall be free and equal.

9. The right of trial by jury shall be inviolable, except that the legis-

lature may authorize the trial of civil suits, when the matter in dispute does not exceed fifty dollars, by a jury of six persons.

10. In all criminal prosecutions, the accused shall have the right to a speedy and public trial by an impartial jury, to be informed of the accusation against him, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defence.

11. No person shall be held to answer for a criminal offence unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justice of the peace, or in the army, or in the militia when in actual service, or in time of war.

12. No person after acquittal shall be tried for the same offence; and all persons shall before conviction be bailable by sufficient securities, except for capital offences, when the proof is evident or the presumption great; and the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

13. Excessive bail shall not be required; excessive fines shall not be imposed, or cruel and unjust punishment inflicted.

14. The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace; and no soldier shall be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law.

15. No person in this State, except such as are employed in the army or navy of the United States, or militia in time of actual service, shall be subject to corporeal punishment under the military law.

16. Every citizen shall have the right to keep or bear arms in the lawful defence of himself or the State.

17. No conviction shall work corruption of blood or confiscation of estate.

18. No *ex post facto* law, retroactive law, or any law impairing the obligation of contracts, shall be made.

19. Emigration from this State shall never be prohibited; nor shall any citizen ever be exiled under any pretence whatever.

20. No distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment, or descent of property.

21. The people have the right freely to assemble together to counsel for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

22. No power of suspending laws shall be exercised except by the legislature or its authority.

23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE 2.—*Distribution of powers.*

SECTION 1. The powers of the government of the State of New Mexico shall be divided into three distinct departments, and each of them confided to separate bodies of magistracy, to wit: those which are legislative, to one; those which are judicial, to another; and those which are executive, to another.

2. No person, or collection of persons, being of one of these departments, shall exercise any power properly belonging to either of the others, except in those instances hereinafter expressly directed or permitted.

ARTICLE 3.—*Legislative department.*

SECTION 1. The legislative powers of the State shall be vested in two distinct branches—one to be styled the Senate, the other the House of Representatives, and both together the Legislature of the State of New Mexico. The style of all laws shall be, *Be it enacted by the Legislature of the State of New Mexico.*

2. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of their general election; and the session of the legislature shall be held annually, at such time as shall be prescribed by law.

3. No person shall be a representative unless he be a citizen of the United States, and one year previous to his election a citizen of this State, and six months of the county, city, or town for which he shall be chosen, and shall have attained the age of twenty-one years.

4. The number of senators shall not be less than one-third or more than one-half of the representative body.

5. The senators shall be chosen by the qualified electors for the term of four years, and shall be divided by lot into two classes, as nearly equal as may be. The seats of the senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years, so that one-half shall be chosen biennially thereafter; and such mode of classifying new additional senators shall be observed as will, as nearly as possible, preserve an equality of number in each class.

6. All elections by the people shall be held at such time and places, and in such manner, in the several counties, cities, and towns, as may be designated by law.

7. No person shall be a senator unless he be a citizen of the United States, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of the district for which he shall have been chosen, and shall have attained the age of twenty-five years.

8. Each house shall choose its own officers, (except when the lieutenant governor shall preside in the Senate,) and shall judge of the qualification and election of its own members; but contested elections shall be determined in such manner as shall be prescribed by law.

9. Two-thirds of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house shall prescribe.

10. Each house may, with the consent of two-thirds of its members, for any good cause, expel and punish members for disorderly conduct; and each house may punish by imprisonment, during the session, any person not a member for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings, and may publish the same, or any part thereof, with the consent of two-thirds of its members.

11. The yeas and nays of either house shall, at the desire of any four members present, be entered on the journal.

12. When a vacancy shall happen in either house, the governor, or the person exercising the power of governor, shall issue a writ of election to fill such vacancy.

13. The doors of each house shall be kept open, except on such occasions as in the opinion of the house may require secrecy.

14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

15. Bills may originate in either house, and may be amended, altered, or rejected by the other; and every bill, having passed both houses, shall be signed by the speaker and president of their respective houses.

16. Every bill shall be read on three different days in each house, unless, in case of urgency, three-fourths of the house in which such bill is pending shall deem it expedient to dispense with this rule.

17. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under this State which shall have been created, or the emoluments of which shall have been increased, during such time.

18. An accurate statement of the receipts and expenditures of the public money shall be attached to, and published with, the laws, at the rising of each session of the legislature.

19. The governor and all other civil officers under this State shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, profit, or trust under this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

20. No judge of any court of record in this State, secretary of State, attorney general, clerk of any court of record, sheriffs or collectors of public moneys, or persons holding any office under the United States, shall have a seat in any legislature of this State.

21. Every person who shall be chosen or appointed to any office of trust or profit shall, before entering on the duties thereof, take an oath to support the constitution of the United States, the constitution of this State, and to faithfully discharge the duties of his office.

22. The legislature shall have full power to exclude from the privilege of electing, or of being elected, any person convicted of bribery, perjury, or other infamous crime.

23. In the year one thousand eight hundred and fifty-one, and every tenth year thereafter, an enumeration of all the inhabitants of this State shall be made, in such manner as prescribed by law.

24. The House of Representatives shall have the sole power of impeaching; but a majority of the members elected must concur in an impeachment.

25. All impeachments shall be tried by the Senate; and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice, according to law.

26. No officer shall exercise his office, after he shall have been impeached, until after his acquittal. And the impeachment of such officer shall not be carried to conviction without the consent of two-thirds of the senators.

ARTICLE 4.—*Of the executive.*

SECTION 1. The executive power shall be vested in a governor, who shall hold his office for four years, and a lieutenant governor, who shall be elected at the same time, and for the same term.

2. No person who is not a citizen of the United States, and a qualified elector, and who shall not have resided in the State for three years next preceding his election, shall be eligible to the office of governor or lieutenant governor.

3. The governor and lieutenant governor shall be elected by the qualified electors of the State, at the time and places of choosing members of the legislature. The persons respectively having the highest number of votes for governor and lieutenant governor shall be elected; but in case two or more shall have an equal and the highest number of votes for governor or lieutenant governor, the two houses of the legislature, at its next annual session, shall forthwith, by joint ballot, choose one of the persons so having an equal and the highest number of votes for governor or lieutenant governor. The returns of election for governor shall be made as provided by law.

4. The governor shall be commander-in-chief of the military forces of the State. He shall have power to convene the legislature on extraordinary occasions, and, in case of invasion, or danger from the prevalence of contagious disease at the seat of government, he may convene them at any other suitable place within the State. He shall communicate to the legislature, at every session, the condition of the State, and recommend such matters to them for their consideration as he may deem expedient. He shall transact all necessary business with the officers, civil and military, of the government. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed.

5. When any office shall from any cause become vacant, and no mode is provided by the constitution for filling such vacancy, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the legislature, or at the next election by the people.

6. In case of disagreement between the two houses of the legislature as to the time of adjournment, the governor shall have power to adjourn the legislature to such time as he may think proper, provided it be not beyond the time fixed by law for the meeting of the next legislature.

7. No person shall, while holding any other office under the United States, or under this State, execute the office of governor, except as hereinafter expressly provided.

8. The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the time for which he shall have been elected; and the salary of the governor shall never be less than two thousand five hundred dollars per annum.

9. The lieutenant governor shall, by virtue of his office, be President of the Senate, and have a right, when in committee of the whole, to debate and vote on all subjects, and, whenever the Senate are equally divided, to give the casting vote. And in case of the death, resignation, removal from office, inability or refusal of the governor to serve, or of his impeachment, or absence from the State, the lieutenant governor shall exercise the powers

and authority appertaining to the governor until another be chosen at the regular election for governor, and be duly qualified, or until the governor impeached, absent, or disabled, shall be acquitted, return, or his disability be removed.

10. Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as president of the Senate, the Senate shall elect one of its own members as president for the time being; and if, during the vacancy of the office of governor, the lieutenant governor shall die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached, or be absent from the State, the president *for the time being* of the Senate shall in like manner administer the government until he shall be superseded by a governor or lieutenant governor.

11. The lieutenant governor shall, while he acts as president of the Senate, receive for his services double the compensation which shall be allowed to the speaker of the House of Representatives, and no more.

12. The lieutenant governor, or president *for the time being* of the Senate, shall, during the time he administers the government as governor, receive the same compensation which the governor would have received had he been employed in the duties of his office, and no more. If the lieutenant governor shall be administering the government, and shall, while in such administration, die, resign, or be absent from the State, during the recess of the legislature, it shall be the duty of the secretary of State to convene the Senate, for the purpose of choosing a president *for the time being*.

13. There shall be a seal of the State, which shall be kept by the governor and used by him officially.

14. All commissions shall be in the name and by the authority of the State of New Mexico, be sealed with the State seal, signed by the governor, and attested by the secretary of State.

15. There shall be a secretary of State, who shall be nominated by the governor, and appointed by and with the advice and consent of the legislature, in joint ballot, and shall continue in office during the term of service of the governor elect. He shall keep a fair register of all official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the legislature, or either house thereof; and shall perform such other duties as may be required of him by law.

16. Every bill which shall have passed both houses of the legislature shall be presented to the governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to reconsider it. If, after such reconsideration, three-fifths of the members elected shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which house it shall likewise be reconsidered. If passed by three-fifths of the members elected of that house, it shall become a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within four days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it; unless the legislature, by its adjournment before the expiration of the aforesaid four days, shall render a

return within that time impracticable, in which case, if not returned within two days after the next meeting of the legislature, after the expiration of the said four days it shall be a law.

17. Every order, resolution, or vote, to which the concurrence of both houses of the legislature may be necessary, except on questions of adjournment, shall be presented to the governor, and, before it shall take effect, be approved by him, or, being disapproved, shall be repassed by the two houses, according to the rules and limitations prescribed in case of a bill.

18. The governor shall have power to remit fines and forfeitures, and, by and with the consent of the judges of the supreme court, or a majority thereof, to grant reprieves and pardons, in all cases, except cases of impeachment.

19. He may require information in writing, from the officers of the executive departments, relative to the duties of their respective offices.

20. A state treasurer, and a comptroller of public accounts, shall be appointed by the governor, with the consent of both houses of the legislature, for the period of four years; but, in case of vacancy in either of said offices during the recess of the legislature, such vacancy shall be filled by the governor, which appointment shall continue until action thereon is had by the next legislature.

21. No person shall be eligible to the office of governor or lieutenant governor for more than two terms out of three.

ARTICLE 5.—*Judicial department.*

SECTION 1. The judicial power, as to all matters of law and equity, shall be vested in one supreme court, and in such other inferior courts as the legislature may from time to time establish.

2. The supreme court shall consist of a chief justice and three associate justices.

3. The supreme court shall have appellate jurisdiction only; and in no case shall a trial by jury be allowed in this court. It shall have a general superintending control over all inferior courts. It shall have power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, and other original and remedial writs, and to hear and determine the same.

4. The State shall be divided into three circuits, until the first general enumeration of all its inhabitants shall have been made, or the legislature shall otherwise direct, as follows: The counties of Bernalillo and Valencia shall compose the southern circuit; the counties of Santa Anna, Santa Fe, and San Miguel, the central circuit; and the counties of Taos and Rio Arriba, the northern circuit. In each county of each circuit, a circuit court shall be held not less than three times in each year. In each circuit, one of the associate justices of the supreme court shall be the judge thereof.

5. After the first enumeration of all the inhabitants of this State, in the year 1851, in such manner as shall be prescribed by law, the legislature shall divide the State into four circuits, in each of which one of the four judges of the supreme court shall be appointed to hold circuit court not less than four times in each year in each county.

6. The jurisdiction of said circuit courts shall be prescribed by law, and the times and places of holding the same.

7. No judge of the supreme court shall sit as a judge of the same upon

the hearing and determination of any cause on which he, as a circuit judge, has sat on its final determination.

8. The judges of the supreme court may be removed from office, for any cause which is not sufficient ground for impeachment, on the address of two-thirds of the members of both houses.

9. The judges of the supreme court shall be appointed by the governor, by and with the consent of both houses of the legislature, in joint ballot and shall hold their offices for the term of six years, and until their successors be duly nominated and qualified.

10. On the trial of any cause brought up by appeal from a circuit court, three of the judges of the supreme court, neither of whom shall have sat as judge on the final determination of the case in the circuit court, shall constitute a quorum; and in all other cases three judges of the supreme court shall be necessary for a quorum.

11. The judges of the supreme court, or a majority of them, shall appoint the clerks of the supreme court. The judges of the circuit courts shall respectively appoint their own clerks.

12. All processes, writs, and proceedings, shall be carried on by the "name and authority of the State of New Mexico," and shall conclude in the words "against the peace and dignity of the same."

13. A competent number of justices of the peace shall be elected by the people in each county, in such manner as the legislature may direct, whose term of office, powers, and duties, shall be regulated and defined by law.

14. All judicial officers, whether elected or appointed, shall be commissioned by the governor.

15. Prosecuting attorneys for the State, in the several circuit courts, shall be elected by both houses of the legislature in joint ballot, and commissioned by the governor.

16. An attorney general shall be appointed by both houses of the legislature in joint ballot, and commissioned by the governor. His duties and term of office, as attorney general and prosecuting attorney, shall be regulated by law.

17. The judges of the supreme court, by virtue of their offices, shall be conservators of the peace throughout the State.

18. The times and places of holding the supreme court shall be regulated and defined by law.

19. The legislature shall pass laws for the establishment and regulation of tribunals of conciliation, defining their powers and duties. Such tribunals shall have power to render judgment, to be obligatory on the parties, when they shall voluntarily submit their matter in difference to arbitration, and agree to abide the judgment, or assent thereto, in writing.

20. The legislature shall provide by law for the speedy publication of all statute laws and judicial decisions made within the State, as may be deemed expedient.

21. Sheriffs and constables shall be elected by the qualified electors of each of the counties, whose term of office and duties shall be regulated and defined by law.

ARTICLE 6.—*Militia.*

SECTION 1. The militia of this State shall be composed of able-bodied male citizens, between the ages of eighteen and fifty years, except such as may

hereafter be exempted by the laws of the United States or of this State, and shall be armed, equipped, and trained, as the legislature may provide by law.

2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do militia duty in time of peace; provided such person or persons shall pay an equivalent for such exemption, in the same manner as other citizens. All commissioned officers, staff officers excepted, shall be elected by the persons liable to perform military duty, and shall be commissioned by the governor. No minister of the gospel or priest of any denomination whatever shall be required to perform military duty, work on roads, or serve on juries.

3. The governor shall have power to call out the militia to execute the laws of the State, to repress insurrections, and to repel invasions.

ARTICLE 7.—*Education.*

SECTION 1. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the legislature of this State to make suitable provisions for the support and maintenance of public schools.

2. The legislature shall, at as early a day as practicable, establish free schools throughout the State, and shall furnish means for their support by taxation; and it shall be the duty of the legislature to set apart not less than one-twelfth of the annual revenue of the State derived from taxation as a perpetual fund, which fund shall be appropriated to the support of free public schools; and no law shall be made diverting said fund to any other use.

3. The supervision of public instruction shall be vested in a State superintendent, and such other officers as the legislature may direct, the powers and duties of which officers shall be prescribed by law. The secretary of State shall, by virtue of his office, be the State superintendent, for which he shall receive no extra compensation under any pretence whatever.

ARTICLE 8.—*Suffrage.*

SECTION 1. Every male person of the age of twenty-one years, or upwards, (Africans or the descendants of Africans and uncivilized Indians excepted,) belonging to either of the following classes, and who shall have resided in this State for six months next preceding any election, shall be a qualified elector at such election.

First. Citizens of the United States residing in this State.

Second. Persons who elected to remain citizens of the republic of Mexico, according to article eight of the treaty of peace made and concluded between the United States of North America and the republic of Mexico at Guadalupe Hidalgo, and ratified by the Congress of the United States the thirtieth day of May, A. D. 1848, and who shall have taken, at least six months preceding any election, before some judge of the supreme court in this State, or before a clerk of any court of record in this State, an oath renouncing and abjuring all allegiance or fealty to the government of the republic of Mexico, and to support the constitution of the United States and of this State.

Third. Persons of foreign birth, not referred to in the two preceding clauses, who shall have declared their intention to become citizens of the

United States, conformably to the laws of the United States on the subject of naturalization.

2. No soldier in the army of the United States shall be entitled to vote in this State.

ARTICLE 9.—*General provisions.*

SECTION. 1. Members of the legislature, and all other officers, before they enter on the duties of their offices, shall take an oath to support the constitution of the United States and of this State, and faithfully and impartially to discharge and perform all the duties incumbent upon them as such officers, according to the best of their ability and judgment.

2. Treason against the State shall consist only in levying war against it, or in adhering to its enemies—giving them aid and comfort; and no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

3. The following officers shall never be allowed less than the following salaries per annum for their services: The governor, two thousand five hundred dollars; the secretary of State, twelve hundred dollars; treasurer, six hundred dollars; comptroller of public accounts, six hundred dollars; attorney general, six hundred dollars, and such fees as may be allowed by law; chief justice, eighteen hundred dollars; associate justices, fifteen hundred dollars each; and the legislature shall provide by law for the compensation of all officers, servants, agents, and public contractors, not provided for by this constitution.

The members of both houses shall receive three dollars for each day's attendance during any session of the legislature, and ten cents for each mile, coming and returning, from the seat of government. The speaker of the House of Representatives shall receive four dollars per day, and the president of the Senate eight dollars per day.

4. All civil officers shall reside within the State, and all district or county officers within their district or county, and shall keep their offices at such places therein as may be required by law.

5. Absence on the business of the State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this constitution.

6. Within five years after the adoption of this constitution, the laws, civil and criminal, shall be revised, digested, arranged, and published, in such manner as the legislature shall direct; and a like revision, digest, and publication shall be made every five years thereafter.

7. All revenue shall be raised by taxation, to be fixed by law. No other or greater amount of revenue shall, at any time, be levied than is required for the necessary expenses of the government, unless by a concurrence of two-thirds of both houses of the legislature.

8. The legislature shall have power to lay an income tax, to tax all persons pursuing any trade, occupation, or profession; provided that the term occupation shall not be construed to apply to pursuits either agricultural or mechanical. Corporations shall not be created in this State by special laws, except for municipal purposes; but the legislature may provide, by general laws, for the organization of all other corporations, as hereinafter provided.

9. The legislature shall not have power to create, authorize, or incorporate, by any general or special law, any bank or banking privilege or power, or any institution or corporation having any banking privilege or power whatever, except as provided in the section following.

10. The legislature may submit to the voters of any general election the question of bank or no bank, and if, at any such election, a number of votes equal to a majority of all the votes cast at such election on that question shall be in favor of banks, then the legislature shall have power to pass a general banking law, with such restrictions, and under such regulations, as they may deem expedient for the safety of the bill-holders.

11. The credit of the State shall never be loaned for the benefit of any individual, corporation, or association.

12. No divorce from the bonds of matrimony shall ever be granted, except by special act of the legislature.

13. The legislature shall at the first session thereof, and may at any subsequent session, establish new counties, for the convenience of the inhabitants of such new county or counties, or district.

14. No money shall be drawn from the treasury but in pursuance of appropriations made by law.

15. The governor, secretary of State, attorney general, and comptroller of public accounts, shall keep their offices at the seat of government.

16. After the year one thousand eight hundred and sixty-two, whenever two-thirds of the members elected to the legislature shall think it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members of the legislature, to vote for or against a convention; and if it shall appear that a majority of the citizens of the State voting for representatives have voted for a convention, the legislature shall, at its next session, call a convention, to consist of as many members as there may be in the legislature, to be chosen in the same manner, at the same places, and by the same electors that chose the legislature, who shall meet, within two months after the said election, for the purpose of revising, amending, or changing the constitution.

17. Until a census of the people of this State shall have been taken, or until the legislature shall otherwise direct, and the divisions shall be otherwise arranged by law, there shall be the following representation in the legislature of this State: To the House of Representatives, from the county of Valencia, there shall be five members; from the county of Bernalillo, two members; from the county of Santa Anna, two members; from the county of Santa Fe, three members; from the county of San Miguel del Bado, three members; from the county of Rio Arriba, three members; from the county of Taos, three members. In the Senate, from the southern district, composed of the counties of Valencia and Bernalillo, there shall be two members; from the central district, composed of the counties of San Miguel del Bado, Santa Fe, and Santa Anna, there shall be three members; from the northern district, composed of the counties of Taos and Rio Arriba, there shall be two members.

18. The members of either of the two houses of the legislature shall be free from arrest, except for breach of the peace or felony, during the time the same shall be in session, and during the ten days next preceding and after such session.

19. In the first election to fill offices under this constitution, any person

who is a citizen of the United States, or any person who is qualified to vote under the same, shall be eligible to such offices, anything in this constitution to the contrary notwithstanding.

20. The seat of government for this State shall be at Santa Fe, until it shall be permanently located by the legislature.

21. The legislature shall declare by law what parts of the common and what parts of the civil law, not inconsistent with the constitution, shall be in force in this State.

22. It shall be the duty of the legislature to provide for the organization of cities and corporated villages, and to limit the power of taxation, assessment, borrowing money, and contracting debts, by such municipal corporations.

SCHEDULE.

SECTION 1. That no inconvenience may arise in the change from a territorial to a State government, it is declared that all writs, actions, prosecutions, contracts, claims, and rights, shall continue as if no change had taken place in the government; and all processes which may, before the organization of the judicial department under this constitution, be issued under the Territory of New Mexico, shall be valid as if issued in the name of the State.

2. All fines, penalties, and forfeitures accruing to the Territory of New Mexico shall accrue to the use of the State.

3. Recognizances heretofore taken, or which may hereafter be taken, and before the organization of the judicial department under this constitution, shall remain valid, and shall pass to and be prosecuted in the name of the State; and all bonds executed to the Territory, or to any officer in his official capacity, shall be passed over to the governor, or the proper State officer, or to their successors in office, for the uses therein respectively expressed, and be sued for and recovered accordingly. All estates or property, real, personal, or mixed, all judgments, bonds, specialities, choses in action, and debts or claims of whatsoever description, of the Territory of New Mexico, shall accrue to and be vested in the State of New Mexico, and may be sued for and recovered in the same manner and to the same extent, by the State of New Mexico, as the same could have been done by the Territory of New Mexico.

4. All criminal prosecutions and penal action which may have arisen, or which may arise, before the change from a territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State.

5. All offences committed against the laws of the Territory of New Mexico, before the change from a territorial to a State government, and which shall not have been prosecuted before such change, may be prosecuted in the name of the State of New Mexico, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted.

6. All laws heretofore in force in the Territory of New Mexico shall be and remain in force until otherwise provided by law. All actions at law, and suits in equity, which may be pending in any of the courts in the Territory of New Mexico at the time of the change from a territorial

to a State government, may be continued and transferred to any court of the State which shall have jurisdiction of the subject matter thereof.

7. All civil officers now holding their office under the United States or the Territory of New Mexico shall continue to hold and exercise their respective offices until they shall be superseded under this constitution of the State of New Mexico.

8. The governor of the State shall make use of his private seal until a State seal shall be provided.

9. The first session of the legislature of the State of New Mexico shall be held at the city of Santa Fe, and shall commence on the first day of July, 1850.

10. The military and civil governor of the Territory shall be requested, immediately on the adjournment of this convention, to issue writs of election to the prefects of the several counties, requiring them to cause an election to be held on the twentieth day of June, 1850—the electors to vote for or against this constitution, for a governor and lieutenant governor, a representative in the Congress of the United States, senators and representatives to the legislature; and the returns of such election shall be made to the prefects, who, together with the prefects' clerks, shall count the votes given, and certificates of election shall be given by them to such persons as shall have received the highest number of votes for members of the legislature. The prefects of the several counties shall forward correct returns, under their hands, of all the votes given in their respective counties, for governor and lieutenant governor and representative to Congress, and votes for and against this constitution, to the present secretary of the Territory, at Santa Fe, who, when the legislature shall convene, shall lay such returns before them, on the first day of their session, so soon as both houses shall be organized; and the speaker of the House of Representatives and the president *pro tempore* of the Senate shall, in the presence of both houses, examine the returns, and declare who are elected to fill those offices, and the votes for and against this constitution. If any two or more persons shall have an equal and higher number of votes than any other person or persons, the legislature shall determine the election in the manner hereinbefore provided.

11. The returns of the electors for or against this constitution shall be certified to by the governor elect, or the lieutenant governor acting as such, who shall despatch the same to the Secretary of State of the United States, within thirty days from the day of election. In all other respects, the election shall be conducted according to the existing laws of this Territory.

12. It shall be, and is hereby, made the duty of the governor, or lieutenant governor acting as such, if it appears from the return of the votes for and against this constitution that it has been adopted by the people, immediately to cause a fair copy of the same, together with a fair digest of the votes given for and against the constitution, to be forwarded to the President of the United States, to be laid before the Congress of the United States.

13. The oaths of office hereinbefore directed to be taken may be administered by any judge or any alcalde, until the legislature shall otherwise direct.

Done by the delegates of the people of New Mexico, in convention as-

sembled, at Santa Fe, this 25th day of May, in the year of our Lord one thousand eight hundred and fifty, and of the independence of the United States the seventy-fourth.

JAMES H. QUINN, *President.*

JOSE MARIA MARTINEZ,
GEORGE GOLD,
JOSE ANTONIO MANSANARES,
JOSE PABLO GALLEGOS,
THOMAS S. J. JOHNSON,
CERAN ST. VRAIN,
FRANCISCO ORTIZ Y DELGADO,
JOAB HOUGHTON,
LEVI J. KEITHLY,
JOSE MANUEL GALLEGOS,
JUAN PEREA,
MURRAY F. TULEY,
CHARLES OVERMAN,
ANTONIO JOSE OTERO,
JOSE ANTONIO BACA Y PINO,
RAMON LUNA.

ROBERT CARY Y DONAGIANO VIGIL, *Secretaries.*

I, Manuel Alvarez, acting governor of the State of New Mexico, do hereby certify that the annexed is a true copy of the constitution of the State of New Mexico.

Given under my hand and seal, (there being no great seal for the State,) [L. S.] this fifteenth day of July, A. D. eighteen hundred and fifty, at Santa Fe.

MANUEL ALVAREZ.

By the governor:

LEWIS D. SHEETZ,
Secretary of State.

To the people of New Mexico.

We, the delegates of the people of New Mexico, in convention assembled have now the honor to submit for the consideration of the people, that constitution which appears to us best for the moral, social, and political welfare and well-being of the country.

The friends of New Mexico have long desired, and ardently sought, a stable, uniform, equal, and just system of laws and administration of justice; and the means we have taken to effect these objects are, in our opinion, the most judicious that the present condition and circumstances of the country admits of adopting.

Slavery in New Mexico is naturally impracticable, and can never, in reality, exist here; wherever it has existed, it has proved a curse and a blight to the State upon which it has been inflicted—a moral, social, and political evil. The only manner in which this question now affects us is

politically; and on grounds of this character, with its general evil tendencies, we have unanimously agreed to reject it—if forever.

In all our councils, on this and every other subject, we have steadily endeavored to keep in view the real interests of New Mexico, in which are deeply involved our present sovereign and independent existence as a State, our future prosperity, and public and domestic felicity. These high considerations, profoundly impressed on our minds, induced each member of the convention to be less adhesive to his own views of minor points than might have been otherwise anticipated; and hence this constitution is the offspring of a cordial amity, and of that mutual deference and happy spirit of concession which the peculiarities of our situation rendered indispensable.

That it will meet the full approbation of every citizen, is scarcely to be looked for; but that it is liable to as few objections as could reasonably have been expected, we hope and believe. That it may prove a lasting benefit to the people, and secure their freedom and tranquillity, is our most ardent prayer.

JAMES H. QUINN, *President.*

**FRANCISCO ORTIZ Y DELGADO,
T. S. J. JOHNSON,
JOSE MANUEL GALLEGOS,
CERAN ST. VRAIN,
JOSE MARIA MARTINEZ,
JOSE ANTONIO MANSANARES,
LEVI J. KEITHLY,
JOSE ANTONIO BACA Y PINO,**

**MURRAY F. TULEY,
JOAB HOUGHTON,
CHARLES OVERMAN,
ANTONIO JOSE OTERO,
GEORGE GOLD,
JOSE PABLO GALLEGOS,
JUAN PEREA,
RAMON LUNA.**

ROBERT CARY Y DONACIANO VIGIL, *Secretaries.*

Ex.—2

REPORT
OF
THE SECRETARY OF STATE,

COMMUNICATING

The report of the Rev. R. R. Gurley, who was recently sent out by the government to obtain information in respect to Liberia.

SEPTEMBER 14, 1850.

Read.

SEPTEMBER 16, 1850.

Ordered to be printed.

DEPARTMENT OF STATE,
Washington, September 14, 1850.

In compliance with the resolution of the Senate of the 2d ultimo, requesting a communication of the report of the Rev. R. R. Gurley, who was recently sent out by government to obtain information in respect to Liberia, the Secretary of State has the honor to transmit herewith a copy of the said report.

DAN. WEBSTER.

To the SENATE OF THE UNITED STATES.

WASHINGTON, *February 15, 1850.*

SIR: The results of my observations and inquiries during a recent visit to the republic of Liberia, and also to the colony founded by the Colonization Society and State of Maryland at Cape Palmas, under your instructions, I have now the honor to submit to the consideration of your department, and to the President of the United States.

On the 1st of August, I took passage at Baltimore in the Liberia packet, which made Cape Mount, on the African coast, on the morning of the 18th of September. For several days previously the aspect of the tropical heavens had been rich. The sun rose over Africa through a gorgeous drapery of clouds, in which were blended all brilliant hues; and when he sunk into the ocean, one was reminded of those Italian sunsets of which Chateaubriand said, "it seemed as though all the purple of Rome's consuls and Cæsars were spread out under the last footsteps of the god of day."

When we first saw Cape Mount, the day was delightful; and, with a gentle breeze, and in full view of the shore, which curves gently round from that eminence to Montserado, (a distance of more than forty miles,)

we sailed down the coast, and in the evening cast anchor at Monrovia, as the light-house on the summit of the cape began to emit its beams, and the illuminated dwellings and churches of the town gave evidence of the fact that civilization and Christianity had there established their abode.

From my experience of two months on the coast of Liberia, I may be allowed to say, that my impressions of the African climate are more favorable than those I had derived from books; for, though our arrival occurred during the latter portion of what is termed the rainy season, and we continued on the coast during most of the transition period from that to the dry season, the weather was generally clear and pleasant, and we were seldom deterred for an entire day from visiting the shore, or from moderate physical exertion.

During the African rains, strangers notice, not only an extraordinary moisture in the atmosphere, but a peculiar power in the sun's rays, though the heat at all seasons is less, as indicated by the thermometer, than that occasionally known in the United States. We passed through what is called the tornado season without experiencing any storm which could with propriety be termed a tornado; and the weather during the whole time we were on the coast was not greatly different from the ordinary summer weather of our own southern States.

No one can look upon the athletic, finely-proportioned and developed forms of the native Africans, or upon a congregation of the inhabitants of Monrovia, or of the other towns and villages of the Liberian republic, and retain the idea that health cannot be enjoyed on the African coast. The general aspect of the people of Liberia is healthy; and I am convinced, from much observation and many inquiries, that the dangers of the climate to colored immigrants are becoming less and less formidable, and that soon they will, to a good degree, be averted, by the cultivation of the soil, an appropriate regimen, and increased medical experience and skill. I have seen large families in Liberia, who, after a residence there of some years, had suffered no invasion from death, and who, doubtless, found their security, under Providence, in their watchfulness against excesses in diet and exertion, in a moderation approaching to abstinence, in the use of medicine, and in the possession of ample supplies of the necessities and comforts of life. The friends of our colored people, and of the republic of Liberia, cannot be too emphatically reminded that to send emigrants with inadequate supplies, to feel all the depression of want, while exposed to the untried influences of the African climate, is an error which must often prove fatal to human life, and sadly injurious to their great enterprise. Far better is it to enable a few immigrants to establish themselves in health and comfort in Liberia than to cast large bodies of them on that shore, with no sufficient means of subsistence, during the time when such means can be secured by no exertions of theirs—thus augmenting vastly the perils of their condition, or imposing burdens upon the charity of that but recent community which its citizens must find it difficult, if not impossible, to sustain.

Having visited Africa in my youth, and witnessed, in company with the distinguished and lamented Ashmun, the first buddings of civilized and Christian life on Cape Montserado, it may be readily imagined that I could not, after a quarter of a century, look again upon that verdant promontory—that I could not again tread the streets of Monrovia—that I

could not meet those who, so many years ago, extended to me their hospitalities—could not behold that humble community, who, when I first stood there, were making some narrow openings in the dense forest, and sheltering themselves beneath some thirty or forty thatched roofs, few, feeble, and exposed to barbarous foes, now risen, through the favoring hand of the Almighty, by their fortitude and energy, to the elevation of an independent republic, acknowledged as such by two of the most powerful nations,—without a deep sense of the Divine goodness to the people of Liberia, and to the writer, in that he was permitted to see on that shore the renovating power of a government of constitutional liberty; pervaded by the Christian spirit and encompassed by the highest motives to beneficence.

On our arrival, several vessels were moored in the harbor of Monrovia, (among them the American man-of-war schooner *Decatur*, Captain Byrne, and the *Lark*, a small, beautiful armed vessel, presented to the authorities of Liberia by the English government;) and, as we dropped our anchor, the steamer of her Britannic Majesty which had brought out the commercial treaty ratified between Great Britain and the republic was taking her departure. The reception of this treaty was announced by the thunder of cannon from the heights of Monrovia and the summit of the cape, and signalized by mutual congratulations among the citizens, and by signs and expressions of universal joy.

To President Roberts and the members of his Cabinet I am indebted for information on a great variety of topics, cheerfully communicated in every instance; and to the courtesy of these gentlemen, and to that of the officers and citizens of the republic generally, for united and zealous endeavors to open to me all avenues for a personal examination of the condition, relations, and prospects of their commonwealth. The people of Monrovia, and of the neighboring settlements, after due notice, assembled in a public meeting, and appointed a committee of five of their number to report on the state and prospects of the republic; and their example was imitated by the citizens of the two counties of Grand Bassa and Sinou.

The facts and statements I have the honor to submit, in reply to the questions specified in my instructions, were derived from the best testimony and sources of information to which I could find access; and, though I have not the vanity to imagine that they are tinged by no error, I have confidence that in the main, and in all essential particulars, they are correct.

In regard to the "limits within which the republic claims and exercises jurisdiction," it should be stated, that the territories both of the republic and of the Maryland Colony founded at Cape Palmas are included under the general name of Liberia. As the result of actual purchase from the native proprietors, the republic holds political jurisdiction over the country from Manna, a point bordering on the notorious Gallenas, on the northwest, to Grand Sesters on the east, a distance, on the coast, of three hundred and fifty miles, with an average extent interior of forty miles—the boundary line enclosing a space of about fourteen thousand square miles. The authority of the Maryland Colony extends from Grand Sesters to the river Pedro, a distance by water of one hundred and twenty miles, and by land of one hundred and forty or fifty miles. Important acquisitions of territory have been made within the last few months by the re-

public, and also by the Maryland Colony. In 1826 Mr. Ashmun spoke of Gallenas as within the prospective sphere of Liberian influence; and the entire recent overthrow of the slave trade by the English at that point, and the measures now in progress to secure its annexation to the republic, give confidence that this expectation will soon be realized.* For the purchase of Gallenas, a wealthy English friend has promised President Roberts one thousand pounds; and an equal amount is offered by one of our citizens, a gentleman of Ohio, for the same object. The most important points on the coast of Liberia, southeast from Gallenas, are *Cape Mount*, rising 1,060 feet above the sea, in latitude $6^{\circ} 49' 25''$ north, and longitude $11^{\circ} 23' 15''$ west; thence near fifty miles, *Cape Montserado*, on the summit of which, 240 feet above the ocean, stands a light-house, and 150 feet lower down, and one mile back, the town of *Monrovia*; southeast thence thirty-five miles, *Junk river*, and near its mouth a settlement bearing the illustrious name of *Marshall*; onward thirty-five miles, *Grand Bassa*; thence five miles, *Tobacannee*; further on seven miles, *Young Sesters*; thence four miles, *Tradetown*; after these, in succession, *Little Culloh*, *Grand Culloh*, (easily recognised by Tobacco Mount, a conical hill 880 feet high,) *Cestos*, *Sangwin*, *Baffou*, *Tassou*, *Little Bootou*, *Grand Bootou*, *Sinou*, and *Bloubaria Point* opposite, (distant about 80 miles from Grand Bassa,) *Krouboh*, *Little Krou*, *Settra Krou*, *Manna Krou*, *King Wills Bay and Town*, (these five towns including all most properly termed Krou or Kroo people,) *Little Nifou*, *Middle Nifou*, *Great Nifou*, *Pickaniny Sesters*, and *Grand Sesters*, the present extreme southern limit of the republic.†

From this limit commences the jurisdiction of the Maryland colony, along the shore of which we may specify, as prominent points, *Garraway river* and *Point*, *Fishtown Point*, *Middle Point*, *Rock Town*, *Cape Palmas*, (a place of great beauty and natural advantages, and the site of *Harper*, the principal town of the colony,) *Cavally Point*, *Tabou*, *Grand Tabou*, *Basha Point*, *Wappoo*, *Poor Point*, *Half Bereby*, *Grand Bereby*, *Tah-u Point*, and *San Pedro river*, the eastern boundary of this colony. The republic of Liberia is divided into three counties—those of *Montserado*, *Grand Bassa*, and *Sinou*—each of which is entitled to a representation in the house of representatives and senate of the State. Mr. Ashmun judged this maritime region of Africa to extend inland about twenty miles; and he remarks: “Between the settlements of the coast and those of the interior is, in most places, a forest of from half a day to two days’ journey, left by both as a barrier of separation, and which is seldom passed, except by erratic traders, who are, in many parts of this country, very numerous.” The Rev. John Day, the intelligent superintendent of the Southern Baptist Mission, who resides at *Bexley*, on the *St. John’s*, and who has travelled into the interior to the distance of seventy or seventy-five miles, thus describes the country: “From seven to twenty miles the country is beautifully undulating, and interspersed with the most lovely rills of excellent water, clear as crystal, foaming and scolding among the rocks, presenting a thousand mill-seats. The air in that region is salubrious and bracing, the soil deep and rich, covered with a forest which, for the height and size of the trees, I have never seen equalled. From twenty to thirty miles is a region of small mountains, of from three

*This event has occurred since this report was written.

†Sailing directions—see appendix, I.

to five hundred feet in elevation. These mountains are covered with a rich forest, and may be cultivated. I have stood on the summit of one of them, cultivated to the top, and thence beheld a delightful prospect. Beyond these hills, or mountains, as we call them, the land becomes generally more level to the distance of seventy miles, the extent of my interior travels. I am told by the natives that a day's walk beyond are loftier mountains, (which it will require a whole day to ascend,) and very steep; if so, the country I speak of is a valley. The soil for the whole distance is rich, water abundant and good, and the cause of disease is no more apparent than in level regions in America. If our people want health, they may as surely obtain it in the mountainous region as by transatlantic trips. I have left home in bad health, on preaching tours of two or three weeks, and returned vigorous and strong. The birds sing more sweetly there, and the flowers are more beautiful and fragrant, than in the marshy region bordering on the sea. The natives are more cheerful, stout, industrious, honest, happy, and hopeful, every way, in that region. To thousands in that forest-clad region have I preached, while they were as attentive even as congregations in America."

In regard to the "population comprised in the republic, and the comparative number of the castes composing it, and their feelings towards one another," I may observe that the emigrant population in the republic is estimated at six thousand, and the native population at one hundred and forty to two hundred thousand. Of the Maryland colony, the emigrant inhabitants are about nine hundred, and the natives estimated at one hundred thousand, separated into numerous small tribes, varying in language, independent of each other in matters of domestic concern, yet slightly united, within certain limits, on questions of general and common interest. The native people of this region of Africa bear a striking similarity in manners, character, and superstitions.

The *Fey* or *Vey* tribe, a people more enterprising, proud, and warlike than most of their neighbors, inhabit the country from Gallenas to Cape Mount, and to the distance of thirty miles inland; have been much addicted to the slave trade, and are probably, in number, from twelve to fifteen thousand. The *Deys* occupy the country on the coast from Cape Mount to Cape Montserado; are more mild, indolent, and inoffensive than the *Veys*, and perhaps by one-half less numerous. Between the languages of these tribes there is some affinity: both are rude and imperfect, and could be traced by Mr. Ashmun to none of the other dialects of Africa.

The *Bassas* are south of Cape Montserado, are more numerous than both of the preceding tribes, and, with their allies in the county of Grand Bassa, are estimated at fifty thousand. They are described as mild, peaceful, and in certain respects industrious, occupying a country of great fertility, and which, even under their exceedingly imperfect cultivation, yields a large surplus of rice, palm oil, poultry, cattle, and the various vegetables and fruits of tropical Africa—as friendly to the American emigrants, eager for trade, disposed to labor for a moderate compensation, and as much inclined as any of the native people of that country to acquire the manners, the arts, and the habits of civilization.

These people dwell in small villages of from fifty to one and two thousand souls, scattered along the coast, and for some distance in the interior, each governed by a chief and several subordinate headmen, whose

will, though regulated by custom and precedent, has the force of law, and is seldom resisted. Domestic slavery and polygamy are universal; and, in consequence of the purchase of female children from the interior, the number of women is thought considerably to exceed that of the men. In cleaning the farms for rice, in the months of February, March, and April, the men labor industriously; but the cultivation, harvesting, and cleaning of the rice, and all servile domestic duties, are performed by the women. Their arts are few and simple; in manners and dispositions, they are gentle and patient; in their habits of living, abstemious, (rice being the principal article of food;) yet, when excited, they are capable of enduring almost incredible exertion and fatigue.

The native African population of Sinou resemble those of Bassa—are, perhaps, more associated, if not to some extent blended, with the Fishmen and Kroomen, (who are numerous on that region of the coast,) and more connected in traffic with the interior tribes. Like other natives, who occupy positions along the sea shore, they have some knowledge of the English language, and, though somewhat averse to the instruction of their female children, they are willing and desirous that their boys should be taught something of the languages and customs of civilized nations. If the number of their towns be, as reported by the committee at Sinou, about one hundred, they can hardly comprise a population less than from twenty to thirty thousand.

Still further south, we arrive at the country of the Kroomen or Kroomen—a people the most distinct, intelligent, and remarkable to be found on the whole coast of western Africa. The Kroo mark (a black line, much darker than the skin, from the top of the forehead to the end of the nose) has been adopted by those not originally of their community; and their name is usually given by strangers to the people of three different tribes who exhibit this mark—the *Fishmen*, the *Settra Kroo people*, and the people of *Nifou*. These branches of what is *usually*, rather than *properly*, called the Kroo family—united by a common sign, by a language not the same, but so akin as to enable them to communicate with each other, by many general habits of thought, action, and superstition—are bound together by no political ties, and by no peculiarly fraternal sentiments. On the contrary, jealousies, rivalries; and, not unfrequently, hostilities, arise between the Fishmen and those associated under the one and same government at Settra Kroo, where reside the descendants of the original Kroo people, still adhering, with wonderful tenacity, to the laws, traditions, and superstitions of their fathers.*

In 1842, the Hon. Joseph Denman gave the following testimony in regard to the *Fishmen* and *Kroomen*, before a select committee of the House of Commons, in England:

“The Kroo coast, I conceive, begins at the river Cestros, (Sesters)—the place known as St. George’s, where Mr. Spence had established a factory several years ago, which has been recently abandoned. The Kroomen occupy only five towns upon the coast, at different places between the river Cestros (Sesters) and the Grand Cestros, (Sesters.) To the northward of that the Bassa people live, intermixed with the Fishmen; and occupying all the coast to the southward of the Grand Sesters are the Fishmen—a different people from the Kroomen: they are often confounded with them, but there is a broad distinction between them.

See Rev. Mr. Connolly’s testimony—appendix, G.

Intermixed with the five Kroo towns are many Fish places. The Kroomen occupy the interior of the country more than the Fishmen. The Fishmen are entirely upon the coast. Below Grand Sesters they are all Fish towns. The Fish people are much more numerous than the Kroomen. At a place called by the Fishmen Saucytown, the natives from the interior fought their way down to the beach. *What were they?* We have no means of knowing; they are quite different from any other races that we know of. At this the Fishmen are exceedingly angry, as they consider that they have a title to all the trade upon the coast. They have prohibited all trade with this place, and have committed many outrages against British vessels, and others, who have traded there in spite of their prohibition. The Fishmen are perfect pests to the trade upon the coast: they require keeping in order very much. *Are they principally Kroomen or Fishmen who enter on board her Majesty's ships?* More Fishmen than Kroomen; we cannot employ them together. *Is it the same with reference to mercantile vessels?* I am not aware; but I think the Fishmen are generally preferred, as they are more at home with boats, and more accustomed to live on the water, than the Kroomen. *Do you call those principally Kroomen or Fishmen that live at Sierra Leone?* Both classes exist there, but I am not aware in what proportions. The Kroomen are preferred for domestic purposes; they are more capable of attachment to white people. *Have you any idea what the population is—whether of Fishmen or of Kroomen?* The population of the coast of Fishmen is much greater than that of Kroomen; but I always understood that the Kroomen ran a long way interior, and were an agricultural race. Indeed, if it were not so, I do not see how they could possibly exist against the hostility of the Fishmen, as their numbers on the seacoast are very inferior; they are almost always at war. *Are both the Fishmen and Kroomen exempt from becoming slaves?* They are exempt from becoming slaves. At the only slave factories upon the coast between Sierra Leone and Cape Palmas, Gallenas and New Sesters, the work was entirely carried on by Fishmen, but they have a great objection to being slaves themselves; they are in the habit of sacrificing their enemies taken in war to the fetish tree. *Are you speaking of Fishmen or Kroomen now?* Both; I have had opportunities of knowing that that is the fact. *Have you had any opportunity of knowing the domestic condition of the Kroomen or the Fishmen—whether they are under the obligation of slavery to any parties?* No; there is no slavery in the Kroo or Fish country, although the system of every headman having his boys under him approaches something to it. The headman receives all the wages of all the boys under him. Whether that is from family connexion or political institution, I do not know; but the headman receives all the pay of all the boys. *Do you always take on board a headman for every number of Kroomen or Fishmen that you engage?* It is absolutely necessary to have a headman to keep them in order. He generally chooses all the people; we leave it to him to choose them. If Fishmen and Kroomen happen to be mixed up in the same party, there are always quarrels and disturbances; indeed, there is no getting on with them, so strong is the antipathy."

The Fishmen derive their name from their universal occupation in fishing, when not employed by foreigners. They are the largest and strongest men upon the coast; most adroit in the management of canoes and boats; are marked by a peculiar enlargement of the ankle joint, produced by

their mode of sitting in their canoes; are less vain, politic, agreeable, and perhaps less trusty, than the Kroomen, (indeed, charges of treachery and cruelty are with reason urged against them;) and, while they inhabit towns separated by considerable intervals along the beach from Grand Bassa to Cape Palmas, they probably embrace a population of twenty thousand.

The Kroo people proper—that is, those who inhabit Settra Kroo and four other towns in its vicinity—spring from a union of several tribes, who came some two hundred and fifty years ago from about three hundred miles in the interior, under one and the same government. They early formed a compact with the Portuguese slave traders, whom they were accustomed to assist, by which the adoption on their part of the peculiar Kroo mark was to be deemed a sign of exemption from slavery; and their name, *Kroomen*, is supposed to be but a corruption of the word *crewmen*, so very naturally and appropriately applied to them for their services to vessels on the coast. Polygamy and slavery prevail among them, though they never enslave each other, nor sell slaves but to persons of their own tribe. Their houses are built square, and of sticks, covered with platted bamboo, the floor being of the same material, raised eighteen inches on sticks; and the door and the loft above are not sufficiently high to permit an adult to enter standing. In most of the houses are three rooms, separated by partitions of the same material as the sides and floor. The fireplace is made of hard clay, near one corner of the house, where is the only window, which serves both to admit light and open a passage for the smoke. The smoke penetrates the interstices of the loft above, and thus preserves the rice from insects. Their furniture consists of a few cooking utensils. Their floor serves for bed, table, and chairs; and their pillow is a round stick of wood. Their dress is a piece of cloth wrapped about the loins. They superstitiously reverence the new moon, and her monthly appearance the headmen celebrate by a feast; while they frequent, for meditation and worship, retired groves or thickets, dedicated to an evil spirit, thought to control mainly the affairs of the world. Like many, if not most, of the tribes of western Africa, they ascribe sickness and death to witchcraft, and rely upon their doctors to designate the person who has perpetrated the crime. The accused is seized by a public officer, and compelled to drink a decoction of sassywood, (a powerful narcotic poison,) which, if rejected by his stomach, proves his innocence, if not, his guilt, and consigns him to a speedy and cruel death. This ordeal of sassywood is one of the most prevalent and distinctive of African superstitions, and by it thousands perish, miserably, every year.

The government of the Kroo people is believed to have been originally patriarchal, but is now a self-perpetuating oligarchy. The king receives his office hereditarily; and the headmen, some twelve or fifteen in number, marked or distinguished by an iron ring around the leg, constitute the legislative council of the nation. Their laws are a body of customs, handed down by tradition, interpreted and enforced by the general council, who also enact special laws for any emergency, suggested, it is thought, in most cases, by the doctor or conjurer.

These laws are frequently defective, inconsistent, and unjust. Most of the labor on their plantations and in their villages is performed by the women. Aged men of influence, in different families, act as guardians for the younger, who, even until they reach the age of thirty or forty years, go abroad in groups of ten or a dozen (each company electing a

leader, whom they cheerfully obey) to different parts of the coast, from Sierra Leone to Fernando Po, labor industriously from six months to three years, and on their return home place the proceeds of their labor at the disposal of their guardian, to be expended in the purchase of wives for themselves, and for the benefit of their respective families. The Kroomen are, in their persons, a straight, well-developed, and finely-proportioned race of men; they are intelligent and independent, vain and sensual, ambitious of reputation, capable of ardent attachment, and, where their interests are deeply concerned, of extraordinary fidelity. Their number at home and abroad is probably from six to ten thousand. The people of *Nifou* are still further south, in population less than either the Fishmen or Kroomen, but very similar in their occupations, customs, and superstitions.

With other tribes, more remote and interior, treaties have been formed; but those just specified constitute the most important native population residing within the jurisdiction of the republic. To these African tribes the relations of the Liberian government are entirely peaceful and friendly, and its authority over them highly salutary and beneficent. It has banished the slave trade from all this district of Africa; adjusted the differences which separated, and suppressed the wars which have for centuries spread misery and devastation among, these people; has interrupted, if not eradicated, some of their most barbarous superstitions, ministered new incentives to their industry, opened new channels and supplied new motives and rewards to trade, and invited them to listen to the teachings and become enriched with all the blessings of civilization and Christianity. In a recent trial for a capital offence in the county of Grand Bassa, three native Africans sat among the jury; nor is it unusual to meet with respectable individuals of this class holding commissions as public officers of justice or police from the president of the republic.

The Maryland Colony, at Cape Palmas, exerts, perhaps, a less positive and controlling authority over its large native population than is exerted by the government of the republic: yet the influence of its intelligent and respectable officers is highly beneficial, and must increase; while the missionary establishment within its limits excites our admiration, and deserves the most liberal support.

Two papers which I have the honor to submit with this report—one from the Rev. Mr. Payne, superintendent of the Episcopal Mission at Cavalla, (within the limits of the Maryland colony,) on the customs, government, and superstitions of the Greybo people, (in population about 25,000;) and another, on the Kroo people, from the Rev. Mr. Connelly and lady, who have resided for several years at *Seltra Kroo*—will be interesting to those who desire the advancement of civilization and Christianity in Africa.*

In regard to the third subject of inquiry specified in my instructions—"the form of the government and the characters of the leading men in the executive, legislative, and judicial departments"—allow me to point to the constitution of the republic of Liberia, herewith submitted, fully pervaded by the spirit of liberty, and in all vital particulars conformed to the model of our own American free government.† No provision is contained in this constitution for the existence of separate State governments, nor do its

*See Rev. Mr. Payne's statement—appendix, F.

†See Constitution, immediately following this report.

framers appear to have contemplated or desired their existence: but in the provision for the election of the president and representatives every two years; in the subordination of the military to the civil power; in the declarations of the right of trial by jury, of universal toleration in matters of religion, and of the freedom of the press; and in the prohibition of the slave trade and slavery,—have the people shown the purpose and ability to rear for the protection of their liberties a wisely-limited and justly-constructed republican government. The fifteenth section of the miscellaneous provisions of this constitution embodies a purpose so worthy of a Christian people, so auspicious towards the uncivilized children of Africa, that I am most happy to copy it entire in this report:

“SECTION 15. The improvement of the native tribes, and their advancement in the arts of agriculture and husbandry, being a cherished object of this government, it shall be the duty of the president to appoint in each county some discreet person, whose duty it shall be to make regular and periodical tours through the country for the purpose of calling the attention of the natives to these wholesome branches of industry, and of instructing them in the same; and the legislature shall, as soon as can conveniently be done, make provision for these purposes by the appropriation of money.”

From personal observation, I may speak with confidence of the mighty effects wrought upon the intellect, hopes, and purposes of the authorities and people of Liberia by the freedom which has ever been theirs upon that shore, and by the high position which they have now taken of national independence. Some of the most distinguished men in the republic are among those who went thither in childhood, have received their entire education in its schools, and bear in their manners, their whole deportment, and upon their very aspect, the signs of a just self-respect, of subdued passions, of virtuous resolution, and of a mature and well-disciplined judgment.

The president of the republic is a gentleman of distinguished talents and courage, of unaffected, plain, but polished manners, truly exemplary in all the relations of life, and dedicated in all his thoughts and energies to the great interests of the commonwealth over which, by a wise public discernment, he has been chosen to preside. The vice president, the heads of the several departments of the government, the chief justice of the supreme court, and others invested with offices of public responsibility, appeared to be intelligent and judicious men, very intent upon a faithful discharge of the duties of their respective stations, and ardently devoted to the constitution and improvement of their country. Few state papers will be found to surpass, in dignity of thought and language, the inaugural address or the several messages of President Roberts; nor will these and other productions of decided merit from the pens of citizens of Liberia permit us to doubt the ability of the people of that republic to conduct successfully the great affairs of government.

On this subject, as of greater force than any mere statement or argument, I have the honor to invite attention to a few extracts from the recent official papers of President Roberts, and from published discourses of other citizens of Liberia. President Roberts concludes with the following sentences his inaugural address:

“The time has been, I admit, when men, without being chargeable with timidity, or with a disposition to undervalue the capacities of the

African race, might have doubted the success of the colonization enterprise, and the feasibility of establishing an independent Christian State on this coast, composed of, and conducted wholly by, colored men; but, fellow-citizens, that time has past. The American Colonization Society has redeemed its pledge; and I believe in my soul that the permanency of the government of the republic of Liberia is now fixed upon as firm a basis as human wisdom is capable of devising. Nor is there any reason to apprehend that the Divine Disposer of human events, after having separated us from the house of bondage, and led us safely through so many dangers towards the land of liberty and promise, will leave the work of our political redemption and consequent happiness unfinished, and either permit us to perish in a wilderness of difficulties, or suffer us to be carried back in chains to that country of prejudices from whose oppression he has mercifully delivered us with his outstretched arm.

"And, fellow-citizens, it must afford the most heartfelt pleasure and satisfaction to every friend of Liberia, and real lover of liberty in general, to observe by what a fortunate train of circumstances and incidents the people of these colonies have arrived at absolute freedom and independence. When we look abroad and see by what slow and painful steps, marked with blood and ills of every kind, other States of the world have advanced to liberty and independence, we cannot but admire and praise that all gracious Providence, who, by his unerring ways, has, with so few sufferings on our part, compared with other States, led us to this happy stage in our progress towards those great and important objects. And that it is the will of Heaven that mankind should be free, is clearly evidenced by the wealth, vigor, virtue, and consequent happiness of all free States. But the idea that Providence will establish such governments as he shall deem most fit for his creatures, and will give them wealth, influence, and happiness, without their efforts, is palpably absurd. In short, God's moral government of the earth is always performed by the intervention of second causes. Therefore, fellow-citizens, while with pious gratitude we survey the frequent interpositions of Heaven in our behalf, we ought to remember that, as the disbelief of an overruling Providence is atheism, so an absolute confidence of having our government relieved from every embarrassment, and its citizens made respectable and happy, by the immediate hand of God, without our own exertions, is the most culpable presumption. Nor have we any reason to expect that he will miraculously make Liberia a paradise, and deliver us, in a moment of time, from all the ills and inconveniences consequent upon the peculiar circumstances under which we are placed, merely to convince us that he favors our cause and government.

"Sufficient notifications of his will are always given; and those who will not then believe, neither would they believe though one should rise from the dead to inform them. Who can trace the progress of these colonies, and mark the incidents of the wars in which they have been engaged, without seeing evident tokens of Providential favor? Let us, therefore, inflexibly persevere in exerting our most strenuous efforts, in an humble and rational dependence on the great Governor of all the world, and we have the fairest prospects of surmounting all the difficulties which may be thrown in our way. And that we may expect, and that we shall have, difficulties—sore difficulties—yet to contend against, in our progress to maturity, is certain. And, as the political happiness or wretchedness of ourselves and our children, and of generations yet unborn, is in our

hands—nay, more, the redemption of Africa from the deep degradation, superstition, and idolatry in which she has so long been involved—it becomes us to lay our shoulders to the wheel, and manfully resist every obstacle which may oppose our progress in the great work which lies before us.

“The gospel, fellow-citizens, is yet to be preached to vast numbers inhabiting this dark continent; and I have the highest reason to believe that it was one of the great objects of the Almighty in establishing these colonies that they might be the means of introducing civilization and religion among the barbarous nations of this country. And to what work more noble could our powers be applied than that of bringing up from darkness, debasement, and misery our fellow-men, and shedding abroad over them the light of science and Christianity? The means of doing so, fellow-citizens, are in our reach; and if we neglect or do not make use of them, what excuse shall we make to our Creator and final Judge! This is a question of the deepest concern to us all, and which, in my opinion, will materially affect our happiness in the world to come. And surely, if it ever has been incumbent on the people of Liberia to know truth, and to follow it, it is now. Rouse, therefore, fellow-citizens, and do your duty like men, and be persuaded that Divine Providence, as heretofore, will continue to bless all your virtuous efforts. But if there be any among us dead to all sense of honor and love of their country; if deaf to all the calls of liberty, virtue, and religion; if forgetful of the benevolence and magnanimity of those who have procured this asylum for them, and the future happiness of their children; if neither the examples nor the success of other nations, the dictates of reason and of nature, or the great duties they owe to their God, themselves, and their posterity, have an effect upon them; if neither the injuries they received in the land whence they came, the prize they are contending for, the future blessings or curses of their children, the applause or reproach of all mankind, the approbation or displeasure of the great Judge, or the happiness or misery consequent upon their conduct in this and in a future state, can move them,—then let them be assured that they deserve to be slaves, and are entitled to nothing but anguish and tribulation; let them banish forever from their minds the hope of ever obtaining that freedom, reputation, and happiness which, as men, they are entitled to; let them forget every duty, human and divine, remember not that they have children, and beware how they call to mind the justice of the Supreme Being; let them return into slavery, and hug their chains, and be a reproach and a by-word among all nations.

“But I am persuaded, fellow-citizens, that we have none such among us; that every citizen will do his duty, and exert himself to the utmost of his abilities to sustain the honor of his country, promote her interests and the interests of his fellow-citizens, and to hand down unimpaired to future generations the freedom and independence we this day enjoy.

“As to myself, fellow-citizens, I assure you I have never been indifferent to what concerns the interest of Liberia, my adopted country; and I am sensible of no passion which could seduce me, knowingly, from the path of duty or of justice. The weakness of human nature, and the limits of my own understanding, may, no doubt will, produce errors of judgment. I repeat, therefore, I shall need all the indulgence I have hitherto received at your hands. I shall need, too, the favor of that Being in whose hands we are; who has led us, as Israel of old, from our native

land, and planted us in a country abounding in all the necessities and comforts of life; who has covered our infancy with his providence, and to whose goodness I ask you to join with me in supplications that he will so enlighten the minds of your servants, guide their councils, and prosper their measures, that whatsoever they do shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations."

The following passages are selected from the first message (after the adoption of the present constitution of the republic) of the same gentleman to the national legislature:

"Our situation, however, for forming a political society, and erecting a free government, is more favorable, in many respects, than that of any people who have preceded us. We have the history and experience of all States before us: mankind have been toiling through all ages for our information, and the philosophers and learned men of antiquity have trimmed their midnight lamps to transmit to us instructions. We live, also, in an age when the principles of political liberty and the foundation of government have been fully canvassed and fairly settled.

"With these lights before them, our delegates have given us a constitution founded, not upon party or prejudice, not for to-day or to-morrow, but for posterity. It is founded in good policy, because, in my humble opinion, it is founded in justice and honesty. All ambitious and interested views seem to have been entirely discarded, and regard had only to the good of the whole, in which the situation and rights of posterity are considered, and equal justice has been done to every citizen of the republic. And the highest respect has been paid to those great and equal rights of human nature which should forever remain inviolate in every society. Proper attention has also been given to the separation of the three great powers of the State. Indeed, it is essential to liberty that the legislative, judicial, and executive powers of the government be, as nearly as possible, independent of, and separate from, each other; for, were they united in the same persons, there would be wanting that mutual check which is the principal security against the making of arbitrary laws and a wanton exercise of power in the execution of them. If these three powers are united, the government will be absolute, whether they are in the hands of a few or a great number. The same party will be the legislator, accuser, judge, and executioner. What probability, then, as I have heard it remarked, will an accused person have of an acquittal, however innocent he may be, when his judge is also a party?"

Having shown the wisdom of the convention who adopted the constitution of the republic in their careful provisions to keep distinct and independent of each other the three great departments of the government, President Roberts adds:

"But, gentlemen, it is to be remembered that, whatever marks of wisdom, experience, and patriotism there may be in our new constitution, like the just proportions and elegant forms of our first parents, before their Maker breathed into them the breath of life, it is yet to be animated, and, until then, may indeed excite admiration, but it will be of no use; from the people it must receive its spirit, and by them be quickened. Let virtue, honor, the love of liberty, and science, be and remain the soul of our present constitution, and it must, it will, become the source of great and extensive happiness to this and future generations. Vice, ignorance,

and the want of vigilance, will be the only enemies able to destroy it. Against this provide.

“Every citizen of Liberia ought diligently to read and study the constitution of his country, and teach the rising generations to be free. By knowing their rights, they will sooner perceive when they are violated, and be the better prepared to defend and assert them.”

The final words of this message are most pertinent, just, and impressive—earnestly expressive of devout gratitude to the Almighty, and of confidence in the guardian care of his ever-watchful and omnipotent providence:

“The present crisis, gentlemen, imposes an obligation on all the departments of government to adopt an explicit and decided course; and, as it is our indispensable duty, may it be our invariable aim, to exhibit to our constituents the brightest examples of disinterested love for the common weal, and particularly to be inflexible in our resolutions to know neither friend nor favorite, whenever his solicitations appear incompatible with the public good. In our public capacities we ought to rise superior to all private attachment or resentment, and make the intrinsic merit of every candidate for an office our sole rule for his promotion. Let us, both by precept and practice, encourage a spirit of economy, industry, and patriotism, and that public integrity and righteousness which cannot fail to exalt a nation. May the foundation of our State be laid in virtue and the fear of God, and the superstructure will rise gloriously, and endure for ages. Then may we humbly expect the blessings of ‘the Most High, who divides to the nations their inheritance, and separates the sons of Adam.’ In fine, gentlemen, let us unitedly strive to approve ourselves master-builders, by giving beauty, strength, and stability to our new government.

“On my part, a most solemn oath has been taken for the faithful discharge of my duty; on yours, a solemn assurance has been given to support me therein. Thus, a public compact between us stands recorded. And you may rest assured, gentlemen, that I shall keep this oath ever in mind. The constitution shall be the invariable rule of my conduct; my ears shall be always opened to the complaints of the injured; justice, in mercy, shall neither be denied nor delayed; our laws, and the liberties of Liberia, shall be maintained and defended to the utmost of my power. I repose the most perfect confidence in your engagement; and, on my part, you may count on a cordial concurrence in every measure for the public good, and on all the information I possess which may enable you to discharge to advantage the high functions with which you are invested by your fellow-citizens. But above all, gentlemen, we have great reasons to rejoice, in view of the confidence we are encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, and whose blessings have been conspicuously dispensed to this infant-republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.”

The Rev. Hilary Teage, editor of the *Liberia Herald*, expressed his thoughts on the adoption of the constitution in the following language:

“That man amongst us who does not feel that by this act he has entered upon a new career, has assumed new responsibilities, and has received a new impetus and a new motive to action, is to be pitied for his

blindness, rather than envied for his indifference; and, to say the least, he is not yet prepared for extensive usefulness.

“We would warn our people against the infatuation of supposing that, because we have declared ourselves sovereign and independent, therefore we have fulfilled our destiny, and attained the summit of political perfection; and we would also warn them against despondency, in view of any difficulties we may be called to encounter. Our condition affords no scope for idle enthusiasm, nor for unmanly timidity. All great undertakings are attended with difficulties; and usually demand an effort proportioned to their magnitude. It is of the last importance for us to know where, and by whom, this effort is to be made. We need, and if we are wise we will seek, the sympathy and friendly countenance of foreign nations. It will be encouraging to be recognised as forming one in the great community of nations, and to receive the usual comities of that relation; still, we must learn to call off all unreasonable expectation from every foreign quarter, and be penetrated with the conviction that the proper scene of this extraordinary effort is the republic of Liberia, and the effort itself to be made by us.”

Mr. Teage, in a discourse delivered in Monrovia, thus expresses his views on education:

“The education of our youth is the next subject to which I would direct your attention. ‘Knowledge is power’ is an old proverb, but not the less true because it is old. This is the spring that regulates the movements of society; this is at once the lever and safety-valve of human institutions. Without it, society will either not move at all, or, like an unbalanced, unhelmed ship, move in a direction and at a rate that must eventually destroy it. Education corrects vice, cures disorders, abates jealousies, adorns virtue, commands the winds, triumphs over the waves, scales the heavens. In a word, education lays all nature under tribute, and forces her to administer to the comfort and happiness of man. Nor is this all that education does. It ennobles and elevates the mind, and urges the soul upward, and animates it to deeds of high and lasting renown. Education opens sources of pure, refined, and exquisite enjoyment; it unlocks the temple of nature, and admits the awe-stricken soul to behold and admire the wondrous works of God. An ignorant, vicious, idle community has the elements of destruction already in its bosom. On the very first application of a torch, they will explode and lay the whole fabric in ruins. A virtuous, orderly, educated people have all the elements of national greatness and national perpetuity. Would we be happy at home and respected abroad, we must educate our youth.”

Of this oration by Mr. Teage the following is the concluding passage:

“The last remark time will allow me to make, under this head, is, that ‘righteousness exalteth a nation, but sin is a reproach to any people.’ All attempts to correct the depravity of man, to stay the headlong propensity to vice, to abate the madness of ambition, will be found deplorably inefficient, unless we apply the restrictions and the tremendous sanctions of religion. A profound regard and deference for religion; a constant recognition of our dependence upon God, and of our obligation and accountability to him; an ever-present, ever-pressing sense of his universal and all-controlling providence,—this, and only this, can give energy to the arm of law, cool the raging fever of the passions, and abate the lofty pretensions of mad ambition. In prosperity, let us bring out our thank-offer-

ing, and present it with cheerful hearts, in orderly, virtuous, and religious conduct. In adversity, let us consider, confess our sins, and abase ourselves before the throne of God. In danger, let us go to him whose prerogative it is to deliver; let us go to him with the humility and confidence which a deep conviction that the battle is not to the strong, and the race to the swift, is calculated to inspire.

“Fellow-citizens! we stand now on ground never occupied by a people before. However insignificant we may regard ourselves, the eyes of Europe and America are upon us, as a germ destined to burst from its enclosure in the earth, unfold its petals to the genial air, rise to the height and swell to the dimensions of the full-grown tree, or (inglorious fate!) to shrivel, to die, and be buried in oblivion. Rise, fellow-citizens!—rise to a clear and full perception of your tremendous responsibilities. Upon you, rely upon it, depends, in a measure you can hardly conceive, the future destiny of your race. You are to give the answer, whether the African race is doomed to interminable degradation—a hideous blot on the fair face of creation, a libel upon the dignity of human nature—or incapable to take an honorable rank amongst the great family of nations. The friends of the colony are trembling, the enemies of the colored man are hoping. Say, fellow-citizens, will you palsy the hands of your friends, and sicken their hearts, and gladden the souls of your enemies, by a base refusal to enter upon the career of glory which is now opening so propitiously before you? The genius of Universal Emancipation, bending from her lofty seat, invites you to accept the wreath of national independence. The voice of your friends, swelling upon the breeze, cries to you from afar: Raise your standard! assert your independence!! throw out your banners to the wind!! And will the descendants of the mighty Pharaohs, that awed the world—will the sons of him who drove back the serried legions of Rome, and laid siege to the “Eternal City”—will they, the achievements of whose fathers are yet the wonder and admiration of the world—will they refuse the proffered boon, and basely cling to the chains of slavery and dependence? Never! never!! never!!! Shades of the mighty dead, spirits of departed great ones, inspire us, animate us to the task, nerve us for the battle! Pour into our bosom a portion of that ardor and patriotism which bore you on to battle, to victory, and to conquest.

“Shall Liberia live? Yes; in the generous emotions now swelling in your bosoms—in the high and noble purpose now fixing itself in your mind, and ripening into the unyieldingness of an indomitable principle—we hear the inspiring response, Liberia shall live before God, and before the nations of the earth.”

On the 24th of August, 1847, the independence of the republic was celebrated, in the Methodist Episcopal church, in Monrovia; and from the oration of the Rev. J. S. Payne on that occasion we offer the following just and patriotic sentiments:

“Call upon the spirit of the American patriots, and let similar feelings possess your bosoms, and break forth into manly exertion, and yours will be the honor of having founded and reared up a republican government for the oppressed of our race. The vastness of the undertaking makes it too much for any portion less than the whole community to sustain and conduct it prosperously; therefore it is highly important that we be *united*. Great evils have been entailed upon nations—mighty kingdoms and empires have fallen to rise no more—by discord, which ulu-

mately genders into anarchy and bloodshed and destruction. The sagacious politician, having an eye upon what is the dreadful consequences of the want of union, was enabled to predict, as if he caught the true spirit of prophecy, 'United we stand, divided we fall.' This principle may well be denominated the national pulse, the regular beatings of which are indispensably necessary to the vitality of a nation. 'If a kingdom be divided against itself, that kingdom cannot stand;' and, as sure as these words are true, so will the destruction of this republic be, if union be not maintained among us. Be united, Liberians; understand one another; know your common object; let all animosities fall this day at the foot of yon staff; and declare henceforward we be brethren, aiming at the common good. These are not the only premises from which we would infer the future prosperity or indestructibility of this republic; for the history of nations teaches us there are other indispensable virtues, from among which we will extract only two more.

"One is *industry*—the origin of all physical, mental, and political advancement—the foundation of all national grandeur—forgetfulness of which is an impassable barrier to all personal or national prosperity and happiness. It is utterly inconsistent with the course of Providence to expect these without the employment of the means ordained for their production, and accordingly attended to by all thriving nations. I need not remind you of the importance of agriculture to a nation's prosperity: you have only to cast your eye whence you came, and contemplate the riches extracted by the industrious from a soil in few respects better than yours. With a country capacious and fertile, abounding with products much demanded by some nations, what can hinder you from becoming prosperous and happy, but idleness, the bane of society, and fruitful cause of many evils? Mental improvement is also absolutely necessary. 'Knowledge is power' is an axiom worthy of attention. The enlightened of all ages have paid becoming attention to it; and, even to this day, we behold them offering their petitions and adorations at the shrine of Wisdom, acknowledging their indebtedness to her for all that is good and virtuous in the transactions of the affairs of life. While all nations thus show their estimate of knowledge, shall we be dormant? Shall we enter the political world without the qualifications necessary to maintain our national existence? Shall we, if we ever gain a footing in that world, remain where we *are*, when all nations are moving forward in this respect? Was ever there a time in the history of Liberia when men of intellectual stamp were more needed? It requires no small portion of knowledge to conduct the affairs of a people. Here, then, is room for improvement, and for the exercise of laudable ambition; here is an adequate stimulus to apply to ourselves and our children.

"In reflecting upon our present condition, and the new career just entered upon, it would not be improper to inquire by whose aid and protection we have been sustained and delivered from the imminent dangers that have at different times gathered around and threatened us with destruction. We feel it just to acknowledge that it is not owing to any skill or might in us that we have succeeded, notwithstanding these oppositions, but to the protection and aid of that Being who rules the nations, and holds the destiny of each in his hand. And if, when we look back, we are led to exclaim 'What hath God wrought!' we see every reason that induced us

to trust in him occupying the same place, and teaching us it is our duty to do so in *future*.

"I can do nothing better, in concluding this address, than to direct your attention to the propriety of depending upon the omnipotent arm of the Almighty. Remember that he hath said, (and what he says is true,) 'Righteousness exalteth a nation, but sin is a reproach to any people.' A tenacious adherence to the principles of the Christian religion, obedience to its precepts, encouragement of its institutions and ordinances among ourselves and children, will, with the other indispensables mentioned above, insure stability and prosperity to this republic; while its happy influences will ooze out, to water and make glad the moral Sahar around us. But, fellow-citizens, the reverse of these things, and an indulgence in national sins, will not only disgrace us in the estimation of the good and virtuous of the world, but bring down upon us the judgments of the God of holiness. We have only to inquire of you, Liberians, Shall this republic be prosperous, and advance in national importance? Doubtless it is destined to do so; but may we not retard and make it a reproach to the world? Nought should inspire us with a greater resolution to advance this arduous but glorious work than the consideration of the rising and future generations. Shall they be cast out and oppressed in future, when we have it in our power to hand down to them a government well founded, and built upon sanctified principles? Shall they have cause to lament that their fathers were so base and inconsiderate, having had it in their power to bequeath them inestimable blessings, yet, through supineness and degrading carelessness, failed to do so? Eternal and merited infamy will be attached to our names. Again: will you not endeavor to wipe away the opprobrium from the colored race, and prove to the world that it is equally susceptible with any other of mental culture and good government? If Liberia have enemies—if prejudice would prompt to laughter at the non-success of this republic—how would the joy of such be augmented to hear of a failure in this undertaking? O Liberians! think of these considerations; and let the thought inspire your hearts with a holy and indomitable resolution to advance your cause, that the republic may be safe and respected by the world—that the light of that lone star may illuminate this benighted land; and, as you fade away from among the living, yours will be the great satisfaction of seeing your descendants established and happily situated in a government founded and reared with great exertion, and rendered permanent by the strict observance of the principles of good government by you, their parents, whose memories will be encircled in their estimation with a halo of never-fading glory."

In an oration delivered on the 26th of July last, in commemoration of the independence of the republic, by *R. L. Stryker, esq.*, is the following passage:

"My fellow-citizens, you have laid the foundation of a great republic, destined to civilize and Christianize the remote and barbarous tribes of Africa. Twenty-five years have you been laying this foundation, which, in the ever-memorable year of 1847, completed the first epoch in your national history. To Charity you owe an immense debt of gratitude: she has called to her aid, in the cause of 'African colonization,' the wisest and best men of the age. And it is remarkable to know that the demands of Charity have been responded to by far the largest number of

men of distinction that she ever before has been able to bring to bear in any one matter—missionary societies excepted, and other means for the promulgation of the gospel. Here commences a train of unparalleled concurrences—noble in their objects, and happy in their results: here commences the moral and physical renovation of Africa. Her sons return from bondage, not to mourn over the desolation around, but, like the Jews, to ‘rebuild the waste places, and rear the temple to the living God. In the physical renovation, we see the dense forest disappearing before the tide of civilization, the beauties of nature springing up beneath the hand of the cultivator, and the works of art vying with many stupendous works of nature. In the moral renovation, we behold man standing erect in the image of his Maker, unknown to any bondage except that of his Creator, and holding converse with the Revealed Pages which contain the ultimate destiny of ‘God’s works.’ Here, as you advance, will commence the mighty contest of the Redeemer’s religion with the pagan and Mahometan doctrine—or, I should say, the Devil’s kingdom on earth—which must end in the rule of God’s might.

“Civilization must here take a peculiar feature from what it has taken among any people in modern times. It will, instead of exterminating the barbarous heathen, bring him into the customs and usages of civilized society; it will teach him arts and sciences: and who will predict but that he it is, with liberty stamped upon his brow, that shall restore to the world again the long-lost arts and sciences, and call, in tones of thunder, to drowsy Africa, until, in the language of one, she ‘shall be redeemed, regenerated, and disenthralled?’ ”

Is it to be believed that men capable of thoughts so just, of sentiments so patriotic, of hopes and purposes so elevated, humane, and far-reaching in beneficence, who have already established one of the least defective and most perfect of free governments, will fail to sustain the fabric they have reared, to obey their own laws, and to win, by their fidelity to truth, liberty, and religion, the approbation of the Christian world?

On the fourth topic of inquiry—“the public revenue and the means by which it is raised”—I observe that, for the two years previous to the independence of the republic, the annual revenue of the government, derived mainly from a six-per-cent. ad valorem duty on imports, amounted to from eight to ten thousand dollars. With a view to augment the public revenue, the legislature, after the adoption of the present constitution, authorized and instructed the secretary of the treasury to import leaf tobacco, powder, salt, muskets and other fire-arms, with earthen and crockery ware, (articles in great demand for the African trade,) and to dispose of these articles at a certain specified advance on the first cost. But it is said this monopoly by the government has not met the public expectation, and that it will be greatly modified, if not wholly abandoned. On all goods imported into the republic is imposed a duty of six per cent., with certain exceptions specified, wherein the duty is still higher. The note below exhibits some of the revenue provisions of the republic.* The President, without stating the exact amount of the present revenue, expressed the opinion that it would hereafter meet the expenses of the government, though it must, for some years, fall far short of what might be desirably expended for many objects of great public utility.

* See appendix A.

In regard "to the military and naval force of the republic," to the honor of the people of Liberia should it be recorded, that, from their earliest settlement upon the African coast, they have, by courage and discipline, defended themselves against the machinations of slave traders, and the combined forces of many barbarous tribes, and in no instance suffered defeat. With the exception of such as are exempted in virtue of religious or civil offices, all the males in the republic, from the age of sixteen to fifty, are subject to military duty; may be called at any moment by the executive into actual service; and, in time of peace, muster, on stated days, and in obedience to a uniform law, in the several settlements, for examination, exercise, and discipline. This force, well armed and disciplined, may be, in number, from one thousand to fifteen hundred men; while a much larger native force might doubtless be brought into more or less effectual service, in case of an invasion. Of naval force the republic has nothing, with the exception of one small but beautiful vessel, armed with four guns, a present from the British government. Since foreign vessels are, without exception, subject to certain commercial regulations, and duties imposed on all merchandise brought within the republic, wherever landed, and whether consigned to the American settlers or native Africans, this vessel will prove of great utility in guarding from violation the revenue laws, and in enforcing their provisions. This vessel also affords an easy and rapid conveyance of any orders or officers of the government to different points of the coast, will enable the public authorities to observe any movements for the renewal of the slave trade, and to adopt measures to counteract them, and communicate intelligence between the settlements in any dangerous emergency.

"Of the administration of justice, the system of laws upon which it is based, and, most especially, whether it is entirely impartial towards the inhabitants of the republic." I am gratified to express the opinion that the judicial system of the republic is wisely constituted, and that justice is administered to all classes impartially, and without unnecessary expense or delay. By the constitution, the judicial power of the republic is vested in one supreme court, and such other subordinate courts as the legislature may from time to time establish. The supreme court has original jurisdiction in all cases affecting ambassadors or other public ministers or consuls, and those to which the republic shall be a party. All judges of courts are to hold office during good behaviour, but may be removed by the president, at the request of two-thirds of both houses of the legislature, or when impeached and convicted. By authority of the legislature, qualified justices of the peace may arrest offenders against the laws or public peace, commit them to prison, or take security for their appearance for trial, and may determine actions for debt, where the amount in question does not exceed thirty dollars, though the parties have the right of appeal to the ensuing monthly court. In each of the counties of the republic is held a monthly court, composed of not more than five nor less than three justices of the peace, which court is to examine and decide on all cases of commitment by justices, and has power to summon jurors, &c determine actions for debt above thirty dollars, and exercises original jurisdiction in all cases not intrusted to justices of the peace, causes in admiralty, and those constitutionally vested in the supreme court. To this court also belong the care and management of the estates of orphans, and the record and probate of wills.

By the same authority is constituted in each county of the republic a court of quarter sessions, with one judge, which court has power to empanel both a grand and petit jury, and to try prisoners sent from the monthly court, and all presentments or indictments found by the grand jury; has original jurisdiction in cases of admiralty, and appellate jurisdiction in cases coming from the monthly court. Appeal may be taken from the decisions of this court to the supreme court.

The supreme court is required to sit annually, and until all causes submitted to its jurisdiction are disposed of, in the town of Monrovia, and consists of the chief justice and three associates, the judges of the court of quarter sessions—two only of these associates sitting at one time, the right of absence being exercised in regular rotation. Provision is made to exempt judges in this court and that of quarter sessions from official duty in cases wherein they are interested; and the decisions of the supreme court are final.

Some few directions and principles of civil government and jurisprudence were supplied to the first settlers in Liberia by the American Colonization Society. In 1824, a brief but comprehensive constitution was submitted to them, and received their assent. Subsequently, the lamented Ashmun guided and instructed them in public affairs. In 1839, a constitution and clear but concise body of laws were transmitted to the governor and council of the then colony, to which they gave their sanction. So that the present laws of the republic are to be traced to the past history of the people, are the growth from their peculiar circumstances, and embrace the acts of the legislature before and since the declaration of their independence; while, in their courts, the common law, with few modifications, as existing in Great Britain and the United States, constitutes the ground of judicial arguments and decisions.

A copy of the laws, for which I am indebted to President Roberts, accompanies this report; and among all the acts of the Liberian republic, none merit more earnest and entire commendation than those for the suppression of the slave trade, by which, even from their first days upon that shore, her people have demonstrated their purpose to continue unstained and uncontaminated by that reproach—to wage an unmitigated and eternal war upon the arts, contrivances, agencies, conductors, and abettors of this most cruel and detestable commerce.*

“The relations of Liberia to other governments, and to the contiguous African nations or tribes,” are amicable, and becoming every year more advantageous.

The independence of the republic has been acknowledged by both England and France; and between the former and the republic a treaty of peace, friendship, and commerce was ratified on the 1st of August last: and hardly a week passes during which armed ships from these or other civilized nations are not seen visiting the ports, and exchanging civilities with the hospitable inhabitants, of Liberia. By treaties with many African tribes, the republic has not merely enlarged its territory, but secured their consent to the abolition of the slave trade, and to the exercise of its political and judicial authority over them; and to its wisdom and justice are these tribes accustomed to look for the adjustment of their differences, and the protection of their homes, liberty, property, and lives. In some instances, tribes from the interior have hastened for safety, before the fury of

* See appendix B.

merciless foes, to the soil of the republic, and found peace and repose under the shadow of its wings. Even since the first American free people of color arrived in Africa, the district of country that now bears the name of Liberia has been a scene of treachery, rapine, and wide-wasting wars: suddenly have towns and villages been made desolate—not a solitary woman or child escaping to tell the story of the midnight invasion and massacre: so that it would be difficult to exaggerate in our estimate of the benefits derived at present, in security from outrage, in the protection of property, industry, and life, by the native Africans, from the government of the republic. The suppression within the limits of the republic of the ordeal by sassywood has preserved probably thousands from a most cruel death, and shown a signal triumph of civilized law over superstition.

“Of the agriculture, commerce, and manufactures of the republic, and in particular its trade with the United States, and the susceptibility of that trade to be beneficially increased,” it may be confidently asserted that the soil of the republic is capable of yielding abundantly the most valuable productions of the tropics. In some preliminary observations to an agricultural manual, prepared in 1825, for the Liberian settlers, by Mr. Ashmun, that gentleman writes to them thus: “Suffer me to put down two or three remarks, of the truth and importance of which you cannot be too sensible. The first is, that the cultivation of your rich lands is the only way you will ever find to independence, comfort, and wealth. You may, if you please, if God gives you health, become as independent, comfortable, and happy as you ought to be in this world.

“The flat lands around you, and particularly your farms, have as good a soil as can be met with in any country. They will produce two crops of corn, sweet potatoes, and several other vegetables, in a year; they will yield a larger crop than the best soils in America; and they will produce a number of very valuable articles, for which, in the United States, millions of money are every year paid away to foreigners. One acre of rich land well tilled will produce you three hundred dollars’ worth of indigo. Half an acre may be made to grow half a ton of arrowroot. Four acres laid out in coffee plants will, after the third year, produce you a clear income of two or three hundred dollars. Half an acre of cotton trees will clothe your whole family; and, except a little hoeing, your wife and children can perform the whole labor of cropping and manufacturing it. One acre of canes will make you independent of all the world for the sugar you use in your family. One acre set with fruit trees will furnish you the year round with more plantains, bananas, oranges, limes, guavas, paw-paws, and pine-apples than you will ever gather. Nine months in the year you may grow fresh vegetables every month; and some of you, who have low-land plantations, may do so throughout the year.”

My observations on the banks of the rivers of the republic, (especially the St. Paul’s, the St. John’s, and the Sinou,) along both sides of Stockton creek, and among the gardens of Monrovia and the plantations in its vicinity, confirmed my belief in the general correctness of this statement, though the agricultural improvements do not equal all the expectations which it would naturally create. The committee of Montserado county fail, however, I think, to do full justice to themselves and their fellow-citizens when they say: “In agriculture, little more is done than to supply ourselves with the necessaries and a few of the conveniences of life.” Considering how limited have been the pecuniary means of the emigrants to Liberia, and the difficulties always inevitable to the settlers in a coun-

try to the climate of which they are strangers, and with the products of which they have to make themselves acquainted, I am rather surprised that they have done so much in agriculture than that they have done no more. Substantial farm-houses, surrounded by well-cleared and cultivated plantations of from ten to thirty and fifty or seventy acres, adorn, on both sides, the banks of the St. Paul's (with occasional interruptions) for the distance of twenty miles. Several hundred acres are cleared (in part out of a dense and lofty forest) at Bassa Cove, Edina, and at Bexley, (some five to eight miles up the beautiful river St. John's;) and at Greenville, Rossville, and Readville, on the Sinou, are similar decided evidences of agricultural industry and improvement. It may be confidently predicted, that, whenever adequate capital, skill, and machinery shall be introduced, *the culture of rice and cotton, the sugar cane and coffee, will prove as successful and profitable as in any region of the world.* My personal inquiries and observations in Liberia have led me to concur in the opinion expressed by the intelligent committee of Bassa county, that in internal resources "it is unsurpassed by any country of the globe." This committee and that appointed by the citizens of Sinou county both declare that the disposition for the cultivation of the soil is increasing. "We have," say the committee of Montserado county, "an extensive territory, which can at any time be easily enlarged, by compact with the proprietors of the soil, to any desirable extent. The soil is of the highest fertility, and adapted to a great variety of articles available in the arts and in commerce. The forests teem with valuable timber for furniture, house, and ship building. The rivers abound with choice fish, and the woods with game; and our gardens can be made to produce everything in their kind necessary to a comfortable existence."

The same committee state "that coffee of a superior kind is indigenous here, and the people are turning their attention to the cultivation of it, and means only are wanted to bring it in large quantities into the market; sugar cane also thrives well, though, for the same reason, no considerable quantity has been produced; cotton, ginger, arrowroot, and numerous plants and shrubs employed in the *matéria medica*, grow here with the vigor and fruitfulness of indigenous articles." In addition to the great staples of *rice, cotton, the sugar cane, and coffee*, the Liberians specify *corn, cassada, yams, sweet potatoes, cabbages, arrowroot, turnips, beets, carrots, tomatoes, lima and other beans, peas, cymilings, chiota, ochra, cucumbers, choice varieties of pepper, ground-nuts, palma christi, the India-rubber tree, the croton-oil nut, and the palm tree*, (so multiplied in its uses,) as among their productions; and among their *fruits, oranges, lemons, limes, guavas, pine-apples, plantains, bananas, tamarinds, rose-apples, pomegranates, cherries, cocoa nuts, paw-paws, mango plums, alligator pears, patungo, bread fruit, melons*, and various other valuable vegetables and fruits of the tropics. Most of these have I myself seen growing luxuriantly in the gardens and farms of the republic.

According to the late Mr. Buxton, whose researches on the subject of the agricultural and commercial resources of Africa were very accurate and extensive, of dye-woods there are an abundance, yielding carmine, crimson, red, brown, brilliant yellow, and blue; of gums there are copal, senegal, mastic, and sudan or Turkey gum. The shea or butter-nut is hardly less valuable than the palm-nut. The tree producing it is said to extend over a large portion of the continent. Park thought the butter

made from it superior to that made from cows' milk. The same gentleman quotes, from a report on Sierra Leone, the opinion of Mr. McCormack, "that the delta of the Seeing Broom, Kitiam, and Gallenas rivers could grow rice enough for the supply of the whole of the West Indies."

Mr. Darymple, in 1779, found three different kinds of cotton at Goree, and states that it grows spontaneously everywhere, and that the samples sent home were considered by English merchants superior to that from the West Indies. According to the testimony of Colonel Denham, (as quoted by Mr. Buxton,) cotton of three kinds—white, brown, and pink—grows wild about Sierra Leone. The first is excellent. Mr. Ashmun states: "It is believed that none of the varieties of the American cotton shrub answers in all respects to the indigenous African tree. The cotton of this country is on all hands allowed to be of a good quality, and the mode of growing, curing, and manufacturing the article pursued in America may be adopted here, making due allowance for the much greater size and duration of the African tree. The same tree bears a succession of crops for a great number of years."*

It is known to all who have visited Liberia, that large substantial cotton cloths, spun, woven, and dyed by the natives of interior Africa, are brought in great numbers for sale to the merchants of Monrovia and the neighboring settlements, and are purchased by the Africans on the coast.

Of the coffee here, Mr. Ashmun wrote: "No country will bring the product to higher perfection than Africa. Whether it is a native of the country, or was introduced at an early period by the Portuguese and Spaniards, may not now be certainly known. It has propagated itself on your hills, and along a great extent of the African coast, without culture, for many ages. South of your river (the Montserado) it grows everywhere, and the tree and berry attain a size unknown elsewhere. No crop is surer; and African coffee frequently produces four pounds to the tree in a season." The quality of the Liberia coffee is thought to approach nearly, if not to equal, that of the Mocha; and the tree, properly attended, will produce at least in quantity one-third more.

From what I saw of the growth of the sugar cane on several plantations on the St. Paul's, it is impossible for me to doubt that it will soon prove among the most valuable productions of that rich country. The Liberia Herald stated, more than a year ago, that Mr. Cyrus Willis, of Millsburg, had made in one season more than three thousand pounds of

* "But it may be said, that, though the land might be made to produce cotton, centuries must elapse before it can be made to yield any quantity of that article. I do not pretend to say that this will be suddenly accomplished; but an anecdote which I heard stated to the Marquis of Normanby, by a gentleman whose mercantile knowledge would not be disputed by any one, may serve to forbid despair. He stated that the person who first imported from America a bale of cotton into this country was still alive; that the person to whom it was consigned in Liverpool was still alive; and that the custom-house officer at that place referred to admitted it at the lower rate of duty, because, to his knowledge, no cotton could be grown in America: yet that country, which could grow no cotton, now, besides supplying her own demand, and that of all other countries, sends annually to Great Britain a quantity valued at about £15,000,000 sterling."—Buxton.

The Boston Journal states that a treaty has been concluded by which the Danish settlements in Africa, on the gold coast, have been ceded to Great Britain. It is stated that there is reason to believe that, with suitable encouragement, a supply of cotton of very good quality might be obtained from that part, where it is already produced to some extent by the natives for their own use.

beautiful sugar, and a quantity of excellent sirup. From the appearance of his cane fields, it was thought his subsequent crop would produce eight thousand pounds. Though the death, recently, of this enterprising man is to be regretted, it is hoped and expected that his experiment will be prosecuted successfully by others. Beaver says: "Of the vegetables that are wild, the sugar cane, cotton shrub, and indigo plant seem the most valuable. No country in the world is more amply enriched than this is with the chief productions of the animal and vegetable kingdoms. The ground-nut yields a pure golden-colored oil, of a pleasant taste, and has been sold as high as £50 per ton. The castor-nut grows wild on the banks of the Gambia and elsewhere. The ginger of Africa is particularly fine and high-flavored; it yields about sixty for one; and the people only want instruction in the method of preparing it for the European markets.

"The woods of this continent are extremely valuable. Travellers enumerate not less than forty species of timber, which grow in vast abundance, and are easily obtained—such as mahogany, teak, ebony, lignum-vitæ, rosewood, &c.

"With few considerable exceptions, the whole line of coast in western Africa accessible to trading vessels presents immense tracts of lands of the most fertile character, which only require the hand of industry and commercial enterprise to turn into inexhaustible mines of wealth."

The tea plant is reported by McQueen, on the authority of an Arabian traveller, and others more recent, to grow spontaneously and abundantly in the interior of Africa.

My friend, Mr. Harris, a purser in the navy, (and whose journal during several months on the African coast is before me, and filled with intelligent and interesting observations,) reports, from the Rev. B. R. Wilson, at Monrovia, the following statistics of Montserado county: This county, according to Mr. Wilson, has of civilized people about 3,000, and of native Africans 5,500; places for Christian worship 22, six of them exclusively for native communicants; no places of heathen worship; native communicants 150; 18 schools, 655 scholars, besides 225 native scholars; under cultivation 5,000 acres, on which are raised annually 300 bushels of corn, 8,000 to 10,000 bushels of rice, 15,000 bushels of cassada, 10 bushels of beans, 2,000 pounds of coffee, 50 pounds of cotton, 2,100 bushels of potatoes, 100 bushels of peas, 100 pounds of indigo, 100 pounds of sugar, 20 pounds of wax, 1,000 pounds of arrowroot, 100 gallons of palm wine, 2,000 hides; of animals should be mentioned 3,000 goats, 500 sheep, 300 hogs, a large supply of poultry, a few horses; while a great variety of tropical fruits and vegetables in abundance are produced with little labor of cultivation.

On the 300 acres of ground reported as under cultivation of the immigrant population (reported as about 1,500) at Grand Bassa, there are stated to be growing twenty-nine thousand (29,000) coffee trees.*

*[From Africa's Luminary.]

REPORT ON AGRICULTURE.

BEXLEY, January 12, 1848.

SIR: It is with pleasure, after much trouble, that I submit to you an agricultural report of this place for the year 1847, which, if you think proper, you will please have published and laid before the legislature as a petition in favor of the farmers, as industry is the great wheel of fortune by which our national destiny is to be made. The following is as correct as I could possibly

Mr. Harris observes: "It must be conceded that Bassa is the great coffee district. The woods are entire coffee thickets, full of the indigenous wild shrub, yielding abundantly, from which scions, for transplanting upon their farms, may be obtained by all. It is only necessary for the new settler to burn over his farm of ten acres, and plant therein 2,500 coffee shrubs, so that they may be watched and cultivated, and he has made an investment which will pay better interest than State stocks. Two hundred and fifty trees may be cultivated to advantage on each acre, and at three years of age they will yield from three to four pounds each, increasing the quantity per annum as they grow larger. They often bear fruit the second year of their age, and every month of the year are to be seen upon their branches, at one and the same time, red and ripe berries, green berries of all sizes, and buds and blossoms. This perennial bearing is also peculiar to the palm tree. And this coffee, which is excellent, and is believed by many to be nearly if not quite equal to the Mocha, is mostly sold at 20 cents per pound. Thus far, however, the friends of colonization have purchased their surplus, and perhaps have paid too high a price.

"Judge Benson has a coffee farm of twenty acres, on which are seven thousand flourishing trees. Those which are six years of age average six pounds per annum. In addition to the ten acres of land given every new settler, he may purchase more at one dollar per acre. The soil yields two crops of corn and potatoes in a year, with rice, cassada, pepper, arrowroot, ginger, &c., &c. Indigo is a noxious weed, growing wild everywhere. The sugar cane thrives well. The native African cotton, similar to our plant, but of a much larger growth, is of rather short staple, but the shrub attains six and seven years of age, and yields abundantly and constantly. I was shown a tree from which two women had been knitting socks for years, and it afforded a surplus for their neighbors. Mr. Benson states that the industrious emigrant may get a good living, if he labor three or four hours a day. Mr. Henning, of Bassa, has invented a machine for extracting oil from the palm-nut, which is very pure, and sells at one dollar the gallon. One bushel of nuts will yield from the kernel, on an average, two gallons. Mr. Henning is able at present to manufacture ten gallons a day."

The Sinou settlement, with a population of about seven hundred, on the left bank of the river of that name, and which extends a mile on a very level ground, adorned with palm trees along the beach, and at a right angle with the river, gives evidence of great recent improvements,

make it, after personally applying to the citizens for its items. So far from exaggeration, it is underrated. It embraces the entire business operations of this place during the last year:

Bought.—6½ tons of camwood; 1,440 gallons of palm oil; 30 pounds of ivory.

Land cleared, &c.—151 acres, of which 128 are cultivated; 13,260 planted coffee trees, 1,895 of which bear coffee; 243,000 shingles made; 137 feet of planed sawn; 57 hands continually at work; 9 dwelling-houses reared; 1 meeting-house.

Raised.—607 pounds of coffee; 2,829 pounds of ginger; 1,197 pounds of arrowroot; 238 bushels of rice; 3,136 bushels of cassada; 1,156 bushels of potatoes; 25 bushels of corn; 619 bunches plantains; 106 bunches bananas; 735 pounds yams; 1,173 fowls; 11 hogs; 83 goats; 52 sheep; 24 head of cattle.

Shipped.—176 pounds of arrowroot; 1,064 pounds of ginger.

You are aware, I presume, that this place has been settled between seven and eight years. What has been done so far is but a small part of what could have been done if the farmers could have been suitably encouraged.

Your humble and obedient servant,

G. L. SEYMOUR.

and possesses many agricultural advantages. The company which arrived here some few months ago, of one hundred and eighty-one persons, from Savannah, are very intelligent and enterprising, and brought with them a great variety of articles for their dwellings, and for trade, and an amount of money estimated at \$30,000. This settlement, named Greenville, and the villages still higher up the river, bearing the names of Rossville* and Readville, with a population of about seven or eight hundred, exhibit a goodly number of small, well-cleared; and industriously-cultivated farms; and the entire population are cheerfully and earnestly engaged in developing the resources of the soil, adding to the number of substantial houses, and to the comforts of their condition, or prosecuting a small but increasing traffic with the native inhabitants.

Of Greenville, Mr. Harris, who speaks from personal observation, and in the correctness of whose statement I concur, says: "The town is judiciously planned, with wide and parallel streets on either side, with small but comfortable dwelling-houses, some of two stories in height, and all having ample lots in the rear, with young trees growing around them, or some of them. The garden of Doctor Brown is as well filled with thriving vegetables as any of our American gardens; and the same may be said of other gardens in this place. They have no imposing churches, but convenient houses for worship, and three thriving schools—their teachers and preachers being men of color. One of the Readville farmers has on his grounds five hundred thriving coffee trees; and Mr. Morris, one of the leading citizens, a plantation of thirty-five hundred flourishing trees, yielding on an average each five pounds of excellent coffee, and some of them from twelve to fifteen pounds. When I learned the history of this settlement, I was surprised at the air of comfort and industry which everything about it seemed to indicate."†

The Bloobarra district, opposite Greenville, is high, rich, and inviting for purposes of agriculture and trade; and civilized settlements will, it is presumed, be speedily established in its limits. The elevation near the shore is such as to render it an eligible spot for a light-house; and, while it affords many advantages for the palm-oil trade, it extends back some twenty miles, and comprehends a region perhaps unsurpassed for agricultural purposes.

Of the Maryland colony, at Cape Palmas, with a civilized population o about nine hundred, though the soil may be inferior to that of some of the settlements of the republic, we may report increasing attention to agriculture, and fair prospects of success. The following statistics on this subject will show what had been done two years ago:

Number of acres cultivated	-	-	-	-	153
Number of acres in potatoes and cassadas	-	-	-	-	94
Number of coffee trees	-	-	-	-	1,497
Number of cotton trees	-	-	-	-	2,133
Number of orange trees	-	-	-	-	364
Number of plantain trees	-	-	-	-	6,349
Number of cocoa-nut trees	-	-	-	-	63
Number of cocoa and mango trees	-	-	-	-	160
Number of other fruit trees	-	-	-	-	1,491

At present the commerce of the republic is restricted mainly to articles

* Sometimes called Louisiana.

† See appendix, note C.

supplied by the native African population from the spontaneous resources and growth of the country—palm oil, camwood, ivory, tortoise-shell, and occasionally small quantities of gold—given in exchange for tobacco, powder, muskets, rum, cotton goods, salt, soap, crockery and iron ware, copper and iron rods, and American provisions. Of course this trade must increase with the development of the agricultural resources of the country; nor is it easy to set limits to the amount or value of its exports, when human industry, skill, and labor shall have cleared away the wilderness, and brought its lands under the cultivation of a civilized people.

Hitherto the books of the Liberian custom-house have not shown the extent of the trade within the territory of the republic, because duties have been collected only at the ports of entry, while large English and German establishments have been conducting their operations on other and different points of the coast; and it is believed that more than one of these establishments have each exported annually as large an amount of produce, from regions under its authority, as the entire quantity set down as exports in the books of the collector. The energy and vigilance of the authorities of the republic will, it is presumed, give effect to an efficient revenue system, and foreign traders be compelled to enter all their goods, and pay thereon the prescribed duties.

The entire suppression of the slave trade within, and in both directions far beyond, the limits of the republic; the order, peace, and security arising under a just and well-administered government; the new encouragements and rewards extended to industry, in connexion with the vast extent of the camwood forests, and the great number and productiveness of the palm trees,—give reason to anticipate a rapid increase in the amount of some of the most valuable articles of African commerce. Of the present amount of imports and exports, different opinions are expressed by intelligent citizens of the republic. The committee at Sinou estimate the imports annually at about four hundred thousand dollars, and the exports at seven hundred thousand. The committee of Monrovia represent that of palm oil are annually exported from the republic five hundred thousand gallons. The editor of the *Liberia Herald*, in an article on the palm-oil trade of June 7th, 1847, says: "Every man in the colony knows that the palm trees abound throughout all our borders; that no space of five miles can be penetrated where they may not be counted by scores; that, where they do not grow, they have only to be planted; that the soil is everywhere adapted to them; and, also, that they become more prolific the more regularly the fruit is gathered from them. About the year 1815, Captain Spence, a merchant trader from London, purchased from the natives about the river Sesters two barrels of oil, and encouraged them to go on in procuring it, by engaging to take all they could make in the ensuing season. We may safely put down the amount exported in 1846 from the region extending from Cape Montserado down to Cape Palmas at *two millions of gallons*."

The following letter from the secretary of the treasury of the Liberian republic merits a place in this report:

"MONROVIA, November 23, 1849.

"DEAR SIR: In reference to the conversation we had a few days ago as to the probable amount of commerce between Liberia and the United States, I have, after consulting with a gentleman of considerable experience in mercantile affairs, arrived at the conclusion that it may be safely

admitted that one-fifth of the entire trade with Liberia is with the United States.

"The committee whose duty it was to furnish you with a report have, I think, considerably underrated the annual exports from Liberia. It may be fairly stated at five hundred thousand dollars in African commodities, (one-fifth of which is one hundred thousand dollars,) and our imports from the United States may be estimated at one hundred and fifty thousand dollars.

"It is worthy of remark, that, at present, it is only from the United States that our merchants import goods; and further, that the kind of goods most suitable for the African trade come from Europe.

"The commerce of Liberia is in its infancy; but it advances rapidly. The two principal articles of trade are tobacco and powder; and no country can compete with the United States in these items. Provisions, also, will soon find an extensive market in Liberia; already the natives have commenced purchasing them, particularly beef, pork, and salt fish.

"I am not exaggerating when I say that the trade advances at least fifty per cent. annually.

"The American cotton goods are in quality superior to those brought from Europe; but there is a material difference in the price. The European is the cheapest; and hence the inability of the American to compete with the European. In Liberia we attribute the difference in price to the low price of labor in Europe.

"Yours, very respectfully,

"M. LEWIS.

"Rev. R. R. GURLEY."

For statements in regard to our commerce with western Africa, derived from the Treasury Department, see appendix, J.

The republic of Liberia will not only, by an improved agricultural system, augment vastly the present productions and commerce of Africa, but, by exploring the interior, opening avenues of safe and friendly communication with distant and powerful tribes, instructing them in the habits, the arts, and the manners of civilization, stimulating their industry and rewarding their labor, bring to light the hidden treasures and make available the already-existing vast resources of that country. It has been very justly said, "that what the soil of Africa wants, is labor to render it productive; what the population of Africa require, is capital and industry and security—with intelligence to maintain the latter and to direct the two former."* Up to this hour, the lawful commerce of Africa with the civilized world has been extremely limited; but, under the influence of civilized States founded on her shores, it is capable of being indefinitely increased, and rendered incalculably valuable to her own population and to the inhabitants of other quarters of the world.†

Of education, an object essential to every community, the people and government of Liberia have not been unmindful. Repeatedly have acts been passed by the legislature for the establishment and support of schools, but the revenues of the republic have proved insufficient to carry them into effect. It is now expected that the means of the government will be speedily augmented, and that the congress will, without

* McQueen.

† See appendix D.

delay, establish a system of general education on a broad and permanent basis. Schools have, for many years, been sustained in the various settlements of Liberia by benevolent individuals and associations in the United States; and the missionary societies of different denominations, which, within the limits and guarded by the laws of the republic, are prosecuting with admirable zeal and fidelity their Christian labors, instruct in numerous schools both the children of its citizens and of the native African tribes. That a number of the respectable citizens of Liberia, some of them now distinguished officers of her government, were brought to Africa in their childhood, and are indebted for their education entirely to her schools, their own energy, and to the new circumstances which surround them, is a fact illustrative of their advantages, and of the beneficent power of their present motives and hopes.

Dedicating herself with extraordinary liberality and vigor of purpose to the cause of Christianity in Liberia, the Methodist Episcopal church of the United States has sent to its shores her sons with the treasures of divine truth and the messages of divine mercy; and, in fourteen day schools and eighteen Sunday schools, they afford instruction to not less than six hundred and ninety pupils.

Animated by a kindred spirit, the Southern Baptist Board of Missions have gathered into their schools in the republic three hundred and thirty children, ninety-two of whom are children of native Africans; and their missionaries preach the divine word to ten thousand of the native population.

The Northern Baptist Board have missionary schools at Bexley, in Bassa county, and at Little Bassa: at the former twenty-four native pupils, and at the latter sixteen—both schools being conducted by educated native teachers of exemplary piety. A Baptist church is organized in connexion with this mission at Bexley, sixteen native Africans having been admitted to its communion.

Several missionary stations are occupied by the board of the Presbyterian church, (old school,) and schools and churches sustained by them at Monrovia, Sinou, and on the banks of the St. Paul's river. A plan is already adopted for the establishment and endowment of a high school at Monrovia,* to bear the honored name of *Alexander*, to be sustained by the donations of members of this communion. The Rev. Mr. Ellis, who will be connected with this seminary, has acquired knowledge under most depressing circumstances, and proved how a strong and virtuous mind may encounter and subdue the evils of fortune.

Of Mr. James's school at Monrovia, which derives support from the benevolent ladies of New York city, I concur in the opinion of Mr. Harris, "that it would be an honor and an ornament to any New England village." "I visited (he continues) this school, and am compelled to confess, that, in reading, writing, grammar, geography, and all the branches of a common-school education, I never witnessed greater proficiency of scholars of the same age in any part of my native New England. This school was founded by the ladies of New York; and my impression is, that they continue to contribute with great liberality to its maintenance."

The mission of the Protestant Episcopal church, at Cape Palmas, (the seat of the Maryland Colony,) has three native male schools, containing

*See Statistics of Monrovia, appendix K.

about seventy pupils, and two female boarding schools, containing forty scholars. In the Sunday and night schools of the mission are about 220 to 240 pupils of both sexes. In addition to these schools for natives, are two day and two Sunday schools for the children of the colonists. The male school has fifteen pupils now preparing for a contemplated high school, and the female day school has about fifty scholars, while the two Sunday schools embrace from eighty to one hundred children.

Of native and colonial children, the number under the care and patronage of this mission exceeds three hundred; of native communicants there are about forty-five, and in connexion with the colonial church twenty-five, making in all seventy members.

The intelligent governor of the Maryland Colony, in reply to inquiries on the subject of education, says: "We have six day schools, numbering 174 pupils, and three Sunday schools of 128. We are in great need of a high school, in which the higher branches of education may be taught."

Every civilized stranger, instructed in the truths, and sensible of the value, of the Christian religion, who visits the republic of Liberia, must experience an inexpressible delight, not only in the visible evidences of the institutions of a free and well-organized State, but in the quiet, ever-active, and beneficent operations of missionary teachers, penetrating, and making glad by their presence, the gloom of the African forest, and, under the protection of its government, inviting not only its sons and daughters into their schools, but imparting, with a zeal, a cheerfulness, and a perseverance not to be discouraged and not to be defeated, a knowledge of letters, of some branches of science, and, above all, of Divine Revelation, to the superstitious and barbarous population of Africa. To find Christian teachers and ministers, with libraries, small, but of choice books, in their thatched dwellings, beneath the shade of the palm tree, in spots where but a few openings have been made in the dense forest; to see groups of native African children gathered for instruction; to listen to voices of Christian worshippers, and hear the songs of Christian praise, amid the habitations of idolatry and cruelty,—gives beauty even to the aspect of uncultivated nature, and animates with unwonted joy every thoughtful and benevolent heart.

The authorities and people of Liberia cherish a sincere attachment to the government and people of the United States. They are sensible that under the auspices of American benevolence they have attained to their present elevation, from which they are permitted to see before them a widely-expanding and glorious prospect of social happiness and political prosperity and renown. To the entire people of the republic, the recognition of their independence by the government of the United States is an object of earnest desire. The peculiarities of the condition of the free people of color, and others of the African race, in this country, they well know, and have no wish, by any relations which may be established between their government and ours, to cause inconvenience or embarrassment. While their wish and purpose is to maintain a just self-respect, as a free and independent republic, before the world, they will, I doubt not, be disposed to accommodate (as far as may be without exposure to dishonor or self-reproach) their arrangements to the sense and views of the American government. It has been suggested that they might conduct all their public affairs in this country with the United States through some one or more of its citizens, in case our government should feel inclined to con-

fide to citizens of Liberia any business it might wish transacted in Africa with the authorities of that republic.

The scheme of African colonization originated not only in benevolence towards our colored population, but towards both races on this continent, and towards two quarters of the globe. At its inception, our most illustrious statesmen—a Jefferson, Marshall, Monroe, and Madison—gave to it their sanction. It was seen to unite Christian philanthropy with political expediency—a just regard for our national welfare with the more solemn obligations of religious duty. It has derived strength from the homes of the good and pious in our southern States, and found eloquent advocates and defenders in their legislative halls. Many States have urged its claims upon the general government, and the voices of the churches of every name second their appeals.

But it is the success of the plan of African colonization, as seen in the independent republic of Liberia, that most conclusively commends it to national consideration. On that far-distant shore, for ages darkened by superstition and outraged by crime, a community of free colored persons from the United States, aided by American benevolence, have adopted a constitution of free government, and taken their high position among the independent States of the world. England and France have acknowledged their right of self-government and their just claim to the respect and comity of nations. What higher motives can be imagined than those which have given existence to this republic?—what work more honorable or more sublime than that to which it is dedicated and destined? Though at present few in numbers and very limited in means, a vast field for action and influence opens before it; and in its constitution and laws, in the spirit of its people, the advantages of its position, and the motives and necessities of those who are hastening to build up their homes and their fortunes under the shadow of its wings, we see the elements of mighty power, of an unbounded growth and prosperity. It has been justly said, that “the great necessity of the world at this moment is a free, civilized, and powerful State within the tropics—a necessity felt through every period of the world’s history, and now about to be realized. The western coast of Africa is in every point of view the most effective position for such a State to occupy. The black race, of which there cannot be much less than 150,000,000 on earth, is pre-eminently the race needing such a development, and prepared for it; and the United States are exactly in a condition to found such a commonwealth with this race, and under circumstances the most glorious to ourselves, the most hopeful to the world, and the most beneficial to the blacks.”* Around this republic of Liberia—the morning star of Africa’s redemption, revealing how great evils may be transmuted by the hand of the Almighty into an incalculable good; which looks with encouraging and cheering aspect upon the African race in every part of the earth; reconciles the gift of liberty with the highest interests of those who bestow and those who receive it; opens a quarter of the world for many years shut up in barbarism to the genial and renovating influence of letters, laws, commerce, and Christianity—are gathered the sympathies of all virtuous and generous minds, allied with its safeguard, the all-encircling and never-slumbering power of an omnipotent Providence. The rapid increase of free persons of color in many of the States of this

* Rev. Dr. Breckenridge. See appendix E.

Union; the importance, for their benefit more than our own, of their organization into a community by themselves, in the land of their ancestors; the immense advantages such a community must secure to itself and extend to others, by developing the resources and turning into legitimate channels the commerce of Africa, by the civilization it must impart, and the moral and political truths it must exemplify and enforce among her ignorant, debased, and chaotic population—all commend the republic of Liberia to the regards of the general government of this Union.* Engaged in a work of unsurpassed dignity and importance, the inhabitants of this small republic are accomplishing more good, as I must believe, than any equal number of human beings, in private stations, on the face of the globe. More than to the united endeavors of all Christian nations, with their treaties and armed squadrons against the slave trade, is humanity indebted for its suppression along many hundred miles of the African coast to the people of Liberia. But it should not be concealed, that to explore Africa; to establish commercial intercourse and relations with her interior tribes; to improve and fortify the harbors of the republic; to make needful experiments in agriculture, and the arts in a region to which the people from this country have so recently been introduced, and to maintain a wise system of education for all classes of her population, so that its territory shall offer an attractive home to all the free descendants of Africa, demands pecuniary means to which the present revenues of Liberia are unequal. But since this republic, more than any other power, will develop the resources and increase the trade of western Africa, the United States, in aiding her endeavors, will open new markets for American productions, and essentially augment American commerce. Yet far higher and nobler motives than those of gain, will, I trust, incline our national authorities to encourage and assist the citizens of Liberia, a few adventurous but determined children of Africa, gone out from our midst, that they may recover their long-lost inheritance, show their ability to build up civilized cities and states in regions where they have been unknown, and bring a vast continent, now lying in dim eclipse, within the circle and the influences of enlightened and Christian nations.

From the presence of our squadron on the African coast, benefits, doubtless, accrue both to Liberia and to our own commerce; but I may be permitted, in the conclusion of this report, to avow the opinion that a recognition by the government of the United States of the independence of the republic of Liberia, and an appropriation of fifty thousand dollars a year for ten years, to enable that republic to carry out the principles of its constitution, for the happiness of those who from this country are seeking a home upon its soil; for the suppression of the slave trade; and the civilization of Africa, would be in harmony with the character and sentiments of this nation, and give stability, progress, and triumph to liberty and Christianity on the African shore.

I have the honor to be, sir, with the highest consideration and respect,
your friend and obedient servant,

R. R. GURLEY.

Hon. J. M. CLAYTON,

Secretary of State of the United States.

* See appendix, E and H, and subsequent testimony given in to the select committees of the British House of Lords.

DECLARATION OF INDEPENDENCE AND CONSTITUTION OF THE REPUBLIC OF LIBERIA.

IN CONVENTION.

Declaration of Independence.

We, the representatives of the people of the commonwealth of Liberia, in convention assembled, invested with authority for forming a new government, relying upon the aid and protection of the Great Arbiter of human events, do hereby, in the name and on behalf of the people of this commonwealth, publish and declare the said commonwealth a free, sovereign, and independent State, by the name and title of the Republic of Liberia.

While announcing to the nations of the world the new position which the people of this republic have felt themselves called upon to assume, courtesy to their opinion seems to demand a brief accompanying statement of the causes which induced them, first to expatriate themselves from the land of their nativity, and to form settlements on this barbarous coast, and now to organize their government by the assumption of a sovereign and independent character. Therefore we respectfully ask their attention to the following facts :

We recognise in all men certain natural and inalienable rights; among these are life, liberty, and the right to acquire, possess, enjoy, and defend property. By the practice and consent of men in all ages, some system or form of government is proven to be necessary to exercise, enjoy, and secure these rights; and every people has a right to institute a government and to choose and adopt that system, or form of it, which, in their opinion, will most effectually accomplish these objects, and secure their happiness, which does not interfere with the just rights of others. The right, therefore, to institute government, and to all the powers necessary to conduct it, is an inalienable right, and cannot be resisted without the grossest injustice.

We, the people of the republic of Liberia, were originally the inhabitants of the United States of North America.

In some parts of that country, we were debarred by law from all the rights and privileges of men—in other parts, public sentiment, more powerful than law, frowned us down.

We were everywhere shut out from all civil office.

We were excluded from all participation in the government.

We were taxed without our consent.

We were compelled to contribute to the resources of a country which gave us no protection.

We were made a separate and distinct class, and against us every avenue to improvement was effectually closed. Strangers from all lands, of a color different from ours, were preferred before us.

We uttered our complaints, but they were unattended to, or only met by alleging the peculiar institutions of the country.

All hope of a favorable change in our country was thus wholly extinguished in our bosoms, and we looked with anxiety abroad for some asylum from the deep degradation.

The western coast of Africa was the place selected by American benevolence and philanthropy, for our future home. Removed beyond those influences which depressed us in our native land, it was hoped we would be enabled to enjoy those rights and privileges, and exercise and improve those faculties, which the God of nature has given us in common with the rest of mankind.

Under the auspices of the American Colonization Society, we established ourselves here, on land acquired by purchase from the lords of the soil.

In an original compact with this society, we, for important reasons, delegated to it certain political powers; while this institution stipulated that whenever the people should become capable of conducting the government, or whenever the people should desire it, this institution would resign the delegated power, peaceably withdraw its supervision, and leave the people to the government of themselves.

Under the auspices and guidance of this institution, which has nobly and in perfect faith redeemed its pledges to the people, we have grown and prospered.

From time to time, our number has been increased by emigration from America, and by accession from native tribes; and from time to time, as circumstances required it, we have extended our borders by acquisition of land by honorable purchase from the natives of the country:

As our territory has extended, and our population increased, our commerce has also increased. The flags of most of the civilized nations of the earth float in our harbors, and their merchants are opening an honorable and profitable trade. Until recently, these visits have been of a uniformly harmonious character; but as they have become more frequent, and to more numerous points of our extending coast, questions have arisen, which, it is supposed, can be adjusted only by agreement between sovereign powers.

For years past, the American Colonization Society has virtually withdrawn from all direct and active part in the administration of the government, except in the appointment of the governor, who is also a colonist, for the apparent purpose of testing the ability of the people to conduct the affairs of government; and no complaint of crude legislation, nor of mismanagement, nor of mal-administration, has yet been heard.

In view of these facts, this institution, the American Colonization Society, with that good faith which has uniformly marked all its dealings with us, did, by a set of resolutions in January, in the year of our Lord one thousand eight hundred and forty-six, dissolve all political connexion with the people of this republic, return the power with which it was delegated, and left the people to the government of themselves.

The people of the republic of Liberia, then, are of right, and in fact, a free, sovereign, and independent State, possessed of all the rights, powers, and functions of government.

In assuming the momentous responsibilities of the position they have taken, the people of this republic feel justified by the necessities of the case, and with this conviction they throw themselves with confidence upon the candid consideration of the civilized world.

Liberia is not the offspring of grasping ambition, nor the tool of avaricious speculation.

No desire for territorial aggrandizement brought us to these shores; nor do we believe so sordid a motive entered into the high considerations of those who aided us in providing this asylum.

Liberia is an asylum from the most grinding oppression.

In coming to the shores of Africa, we indulged the pleasing hope that we would be permitted to exercise and improve those faculties which impart to man his dignity; to nourish in our hearts the flame of honorable ambition; to cherish and indulge those aspirations which a beneficent Creator had implanted in every human heart, and to evince to all who despise, ridicule, and oppress our race, that we possess with them a common nature; are with them susceptible of equal refinement, and capable of equal advancement in all that adorns and dignifies man.

We were animated with the hope, that here we should be at liberty to train up our children in the way they should go; to inspire them with the love of an honorable fame; to kindle within them the flame of a lofty philanthropy; and to form strong within them the principles of humanity, virtue, and religion.

Among the strongest motives to leave our native land—to abandon forever the scenes of our childhood, and to sever the most endeared connexions—was the desire for a retreat where; free from the agitations of fear and molestation, we could, in composure and security, approach in worship the God of our fathers.

Thus far our highest hopes have been realized.

Liberia is already the happy home of thousands who were once the doomed victims of oppression; and if left unmolested to go on with her natural and spontaneous growth; if her movements be left free from the paralyzing intrigues of jealous ambition and unscrupulous avarice, she will throw open a wider and yet a wider door for thousands who are now looking with an anxious eye for some land of rest.

Our courts of justice are open equally to the stranger and the citizen for the redress of grievances, for the remedy of injuries, and for the punishment of crime.

Our numerous and well attended schools attest our efforts and our desire for the improvement of our children.

Our churches for the worship of our Creator, everywhere to be seen, bear testimony to our piety and to our acknowledgment of his providence.

The native African bowing down with us before the altar of the living God, declares that from us, feeble as we are, the light of Christianity has gone forth, while upon that curse of curses, the slave trade, a deadly blight has fallen, as far as our influence extends.

Therefore, in the name of humanity, and virtue, and religion, in the name of the great God our common Creator, and our common judge, we appeal to the nations of Christendom, and earnestly and respectfully ask of them that they will regard us with the sympathy and friendly considerations to which the peculiarities of our condition entitle us, and to extend to us that comity which marks the friendly intercourse of civilized and independent communities.

CONSTITUTION.

ARTICLE 1.—*Declaration of Rights.*

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic; to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life; and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Therefore, we, the people of the commonwealth of Liberia in Africa, acknowledging with devout gratitude the goodness of God, in granting to us the blessings of the Christian religion, and political, religious, and civil liberty, do, in order to secure these blessings for ourselves and our posterity, and to establish justice, insure domestic peace, and promote the general welfare, hereby solemnly associate and constitute ourselves a free, sovereign, and independent State, by the name of the Republic of Liberia, and do ordain and establish this constitution for the government of the same.

SECTION 1. All men are born equally free and independent, and have certain natural, inherent, and inalienable rights—among which are the rights of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

SEC. 2. All power is inherent in the people; all free governments are instituted by their authority and for their benefit, and they have a right to alter and reform the same when their safety and happiness require it.

SEC. 3. All men have a natural and inalienable right to worship God according to the dictates of their own consciences, without obstruction or molestation from others: all persons demeaning themselves peaceably, and not obstructing others in their religious worship, are entitled to the protection of the law in the free exercise of their own religion, and no sect of Christians shall have exclusive privileges or preference over any other sect, but all shall be alike tolerated; and no religious test whatever shall be required as a qualification for civil office, or the exercise of any civil right.

SEC. 4. There shall be no slavery within this republic; nor shall any citizen of this republic, or any person resident therein, deal in slaves, either within or without this republic, directly or indirectly.

SEC. 5. The people have a right at all times, in an orderly and peaceable manner, to assemble and consult upon the common good, to instruct their representatives, and to petition the government or any public functionaries for the redress of grievances.

SEC. 6. Every person injured shall have remedy therefor by due course of law; justice shall be done without denial or delay; and in all cases not arising under martial law, or upon impeachment, the parties shall have a right to a trial by jury, and to be heard in person or by counsel, or both.

SEC. 7. No person shall be held to answer for a capital or infamous crime, except in cases of impeachment, cases arising in the army and navy, and petty offences, unless upon presentment by a grand jury; and every person criminally charged shall have a right to be seasonably furnished with a copy of the charge, to be confronted with the witnesses against

him, and have compulsory process for obtaining witnesses in his favor; and to have a speedy, public, and impartial trial by a jury of the vicinity. He shall not be compelled to furnish or give evidence against himself, and no person shall for the same offence be twice put in jeopardy of life or limb.

SEC. 8. No person shall be deprived of life, liberty, property, or privilege, but by the judgment of his peers, or the law of the land.

SEC. 9. No place shall be searched nor person seized on a criminal charge or suspicion, unless upon warrant lawfully issued, upon probable cause supported by oath or solemn affirmation, specially designating the place or person, and the object of the search.

SEC. 10. Excessive bail shall not be required, nor excessive fines imposed, nor excessive punishments inflicted; nor shall the legislature make any law impairing the obligation of contracts; nor any law rendering any act punishable, in any manner in which it was not punishable when it was committed.

SEC. 11. All elections shall be by ballot, and every male citizen of twenty-one years of age, possessing real estate, shall have the right of suffrage.

SEC. 12. The people have a right to keep and bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature, and the military power shall always be held in exact subordination to the civil authority, and be governed by it.

SEC. 13. Private property shall not be taken for public use without just compensation.

SEC. 14. The powers of this government shall be divided into three distinct departments—the Legislative, Executive, and Judicial; and no person belonging to one of these departments shall exercise any of the powers belonging to either of the others. This section is not to be construed to include justices of the peace.

SEC. 15. The liberty of the press is essential to the security of freedom in a State; it ought not, therefore, to be restrained in this republic.

The press shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of the government; and no law shall ever be made to restrain the rights thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty.

In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 16. No subsidy, charge, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

SEC. 17. Suits may be brought against the republic in such manner and in such cases as the legislature may by law direct.

SEC. 18. No person can, in any case, be subjected to the law martial, or to any penalties or pains, by virtue of that law, (except those employed

in the army or navy, and except the militia in actual service,) but by the authority of the legislature.

SEC. 19. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods, and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life, and fill up vacant places, by certain and regular elections and appointments.

SEC. 20. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great; and the privilege and the benefit of the writ of habeas corpus shall be enjoyed in this republic, in the most free, easy, cheap, expeditious and ample manner, and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

ARTICLE II.—*Legislative Powers.*

SECTION 1. The legislative power shall be vested in a legislature of Liberia, and consist of two separate branches—a House of Representatives and a Senate, to be styled the Legislature of Liberia—each of which shall have a negative on the other; and the enacting style of their acts and laws shall be, “It is enacted by the Senate and House of Representatives of the republic of Liberia in legislature assembled.”

SEC. 2. The representatives shall be elected by and for the inhabitants of the several counties of Liberia, and shall be apportioned among the several counties of Liberia, as follows: The county of Montserado shall have four representatives, the county of Grand Bassa shall have three, and the county of Sinoe shall have one, and all counties hereafter which shall be admitted in the republic shall have one representative, and for every ten thousand inhabitants one representative shall be added. No person shall be a representative who has not resided in the county two whole years immediately previous to his election, and who shall not, when elected, be an inhabitant of the county, and does not own real estate of not less value than one hundred and fifty dollars in the county in which he resides, and who shall not have attained the age of twenty-three years. The representatives shall be elected biennially, and shall serve two years from the time of their election.

SEC. 3. When a vacancy occurs in the representation of any county by death, resignation, or otherwise, it shall be filled by a new election.

SEC. 4. The House of Representatives shall elect their own speaker and other officers; they shall also have the sole power of impeachment.

SEC. 5. The Senate shall consist of two members from Montserado county, two from Bassa county, two from Sinoe county, and two from each county which may be hereafter incorporated into this republic. No person shall be a senator who shall not have resided three whole years immediately previous to his election in the republic of Liberia, and who shall not, when elected, be an inhabitant of the county which he represents, and who does not own real estate of not less value than two hundred dollars in the county which he represents, and who shall not have attained the age of twenty-five years. The senator for each county who shall have the highest number of votes shall retain his seat for four years, and the one who shall have the next highest number of votes two years,

and all who are afterwards elected to fill their seats shall remain in office four years.

SEC. 6. The Senate shall try all impeachments; the senators being first sworn, or solemnly affirmed, to try the same impartially, and according to law, and no person shall be convicted but by the concurrence of two-thirds of the senators present. Judgment in such cases shall not extend beyond removal from office, and disqualification to hold an office in the republic, but the party may still be tried at law for the same offence.

When either the President or Vice President is to be tried, the chief justice shall preside.

SEC. 7. It shall be the duty of the legislature as soon as conveniently may be after the adoption of this constitution, and once at least in every ten years afterwards, to cause a true census to be taken of each town and county of the republic of Liberia, and a representative shall be allowed every town having a population of ten thousand inhabitants, and for every additional ten thousand in the counties after the first census one representative shall be added to that county until the number of representatives shall amount to thirty—afterwards one representative shall be added for every thirty thousand.

SEC. 8. Each branch of the legislature shall be judge of the election returns and qualifications of its own members. A majority of each shall be necessary to transact business, but a less number may adjourn from day to day, and compel the attendance of absent members. Each house may adopt its own rules of proceeding, enforce order, and with the concurrence of two-thirds, may expel a member.

SEC. 9. Neither house shall adjourn for more than two days without the consent of the other; and both houses shall sit in the same town.

SEC. 10. Every bill or resolution which shall have passed both branches of the legislature, shall, before it becomes a law, be laid before the President for his approval. If he approves, he shall sign it; if not, he shall return it to the legislature with his objections. If the legislature shall afterwards pass the bill or resolution by a vote of two thirds in each branch, it shall become a law. If the President shall neglect to return such bill or resolution to the legislature with his objection for five days after the same shall have been so laid before him—the legislature remaining in session during that time—such neglect shall be equivalent to his signature.

SEC. 11. The senators and representatives shall receive from the republic a compensation for their services, to be ascertained by law; and shall be privileged from arrest, except for treason, felony, or breach of the peace, while attending at, going to, or returning from the session of the legislature.

ARTICLE III.—*Executive Power.*

SECTION 1. The supreme executive power shall be vested in a President, who shall be elected by the people, and shall hold his office for the term of two years. He shall be commander-in-chief of the army and navy. He shall, in the recess of the legislature, have power to call out the militia, or any portion thereof, into actual service in defence of the republic. He shall have power to make treaties, provided the Senate concur therein by a vote of two-thirds of the senators present. He shall nominate, and, with the advice and consent of the Senate, appoint and commission all

ambassadors, and other public ministers and consuls, secretaries of state, of war, of the navy, and of the treasury; attorney general, all judges of courts, sheriffs, coroners, marshals, justices of the peace, clerks of courts, registers, notaries public, and all other officers of State, civil and military, whose appointment may not be otherwise provided for by the constitution, or by standing laws; and, in the recess of the Senate, he may fill any vacancy in those offices, until the next session of the Senate. He shall receive all ambassadors and other public ministers. He shall take care that the laws be faithfully executed. He shall inform the legislature, from time to time, of the condition of the republic, and recommend any public measures for their adoption which he may think expedient. He may, after conviction, remit any public forfeitures and penalties, and grant reprieves and pardons for public offences, except in cases of impeachment. He may require information and advice from any public officer, touching matters pertaining to his office. He may, on extraordinary occasions, convene the legislature, and may adjourn the two houses whenever they cannot agree as to the time of adjournment.

SEC. 2. There shall be a Vice President, who shall be elected in the same manner and for the same term as that of the President, and whose qualifications shall be the same; he shall be president of the Senate, and give the casting vote when the house is equally divided on any subject. And in case of the removal of the President from office, or his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the legislature may by law provide for the case of removal, death, resignation or inability both of the President and Vice President, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

SEC. 3. The secretary of state shall keep the records of the State, and all the records and papers of the legislative body, and all other public records and documents, not belonging to any other department, and shall lay the same, when required, before the President or legislature. He shall attend upon them when required, and perform such other duties as may be enjoined by law.

SEC. 4. The secretary of the treasury, or other person who may by law be charged with the custody of the public moneys, shall, before he receive such moneys, give bonds to the State, with sufficient sureties, to the acceptance of the legislature, for the faithful discharge of his trust. He shall exhibit a true account of such moneys when required by the President or legislature; and no moneys shall be drawn from the treasury but by warrant from the President, in consequence of appropriation made by law.

SEC. 5. All ambassadors and other public ministers and consuls, the secretary of state, of war, of the treasury, and of the navy, the attorney general, and postmaster general, shall hold their offices during the pleasure of the President. All justices of the peace, sheriffs, marshals, clerks of courts, registers, and notaries public, shall hold their office for the term of two years from the date of their respective commissions; but may be removed from office within that time by the President, at his pleasure; and all other officers whose term of office may not be otherwise limited by law, shall hold their office during the pleasure of the President.

SEC. 6. Every civil officer may be removed from office by impeachment, for official misconduct. Every such officer may also be removed by

the President, upon the address of both branches of the legislature, stating the particular reasons for his removal.

SEC. 7. No person shall be eligible to the office of President, who has not been a citizen of this republic for at least five years, and shall not have attained the age of thirty-five years; and who shall not be possessed of unincumbered real estate of not less value than six hundred dollars.

SEC. 8. The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected. And before he enters on the execution of his office, he shall take the following oath or affirmation :

I do solemnly swear, (or affirm,) that I will faithfully execute the office of President of the republic of Liberia, and will to the best of my ability preserve, protect, and defend the constitution and enforce the laws of the republic of Liberia.

ARTICLE IV.—*Judicial Department.*

SECTION 1. The judicial power of this republic shall be vested in one supreme court, and such subordinate courts as the legislature may from time to time establish. The judges of the supreme courts, and all other judges of courts, shall hold their office during good behaviour; but may be removed by the President, on the address of two-thirds of both houses for that purpose, or by impeachment and conviction thereon. The judges shall have salaries established by law, which may be increased but not diminished during their continuance in office. They shall not receive any other perquisite or emoluments whatever, from parties or others, on account of any duty required of them.

SEC. 2. The supreme court shall have original jurisdiction in all cases affecting ambassadors or other public ministers and consuls; and those to which the republic shall be a party. In all other cases the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the legislature shall from time to time make.

ARTICLE V.—*Miscellaneous provisions.*

SECTION 1. All laws now in force in the commonwealth of Liberia, and not repugnant to this constitution, shall be in force as the laws of the republic of Liberia, until they shall be repealed by the legislature.

SEC. 2. All judges, magistrates, and other officers now concerned in the administration of justice in the commonwealth of Liberia, and all other existing civil and military officers therein, shall continue to hold and discharge their respective offices in the name and by the authority of the republic, until others shall be appointed and commissioned in their stead pursuant to this constitution.

SEC. 3. All towns and municipal corporations within this republic, constituted under the laws of the commonwealth of Liberia, shall retain their existing organizations and privileges, and the respective officers thereof shall remain in office, and act under the authority of this republic, in the same manner and with the like powers as they now possess under the laws of said commonwealth.

SEC. 4. The first election of President, Vice President, senators, and

representatives shall be held on the first Tuesday in October, in the year of our Lord eighteen hundred and forty-seven, in the same manner as elections of members of the council are chosen in the commonwealth of Liberia, and the votes shall be certified and returned to the colonial secretary, and the result of the election shall be ascertained, posted, and notified by him as it is now by law provided in case of such members of council.

SEC. 5. All other elections of President, Vice President, senators, and representatives, shall be held in the respective towns, on the first Tuesday in May, in every two years, to be held and regulated in such manner as the legislature may by law prescribe. The returns of votes shall be made to the secretary of state, who shall open the same, and forthwith issue notice of the election to the persons apparently so elected senators and representatives; and all such returns shall be by him laid before the legislature at its next ensuing session, together with a list of the names of the persons who appear by such returns to have been duly elected senators and representatives; and the persons appearing by said returns to be duly elected shall proceed to organize themselves accordingly as the Senate and House of Representatives. The votes for President shall be sorted, counted, and declared by the House of Representatives. And if no person shall appear to have a majority of such votes, the senators and representatives present shall in convention, by joint ballot, elect from among the persons having the three highest number of votes, a person to act as President for the ensuing term.

SEC. 6. The legislature shall assemble once at least in every year, and such meeting shall be on the first Monday in January, unless a different day shall be appointed by law.

SEC. 7. Every legislator and other officer appointed under this constitution, shall, before he enters upon the duties of his office, take and subscribe a solemn oath or affirmation to support the constitution of this republic, and faithfully and impartially discharge the duties of such office. The presiding officer of the Senate shall administer such oath or affirmation to the President, in convention of both houses; and the President shall administer the same to the Vice President, to the senators, and to the representatives in like manner. If the President is unable to attend, the chief justice of the supreme court may administer the oath or affirmation to him, at any place, and also to the Vice President, senators, and representatives, in convention. Other officers may take such oath or affirmation before the President, chief justice, or any other person who may be designated by law.

SEC. 8. All elections of public officers shall be made by a majority of the votes, except in cases otherwise regulated by the constitution or by law.

SEC. 9. Offices created by this constitution which the circumstances of the republic do not require that they shall be filled, shall not be filled until the legislature shall deem it necessary.

SEC. 10. The property of which a woman may be possessed at the time of her marriage, and also that of which she may afterwards become possessed, otherwise than by her husband, shall not be held responsible for his debts, whether contracted before or after marriage.

Nor shall the property thus intended to be secured to the woman be

alienated otherwise than by her free and voluntary consent, and such alienation may be made by her either by sale, devise, or otherwise.

SEC. 11. In all cases in which estates are insolvent, the widow shall be entitled to one-third of the real estate during her natural life, and to one-third of the personal estate which she shall hold in her own right, subject to alienation by her, by devise or otherwise.

SEC. 12. No person shall be entitled to hold real estate in this republic, unless he be a citizen of the same. Nevertheless, this article shall not be construed to apply to colonization, missionary, educational, or other benevolent institutions, so long as the property or estate is applied to its legitimate purposes.

SEC. 13. The great object of forming these colonies being to provide a home for the dispersed and oppressed children of Africa, and to regenerate and enlighten this benighted continent; none but persons of color shall be admitted to citizenship in this republic.

SEC. 14. The purchase of any land by any citizen or citizens from the aborigines of this country, for his or their own use, or for the benefit of others, as estate or estates in fee simple, shall be considered null and void to all intents and purposes.

SEC. 15. The improvement of the native tribes and their advancement in the arts of agriculture and husbandry being a cherished object of this government, it shall be the duty of the President to appoint in each county some discreet person, whose duty it shall be to make regular and periodical tours through the country, for the purpose of calling the attention of the natives to these wholesome branches of industry, and of instructing them in the same; and the legislature shall, as soon as can conveniently be done, make provision for these purposes by the appropriation of money.

SEC. 16. The existing regulations of the American Colonization Society, in the commonwealth, relative to emigrants, shall remain the same in the republic, until regulated by compact between the society and the republic: nevertheless, the legislature shall make no law prohibiting emigration. And it shall be among the first duties of the legislature to take measures to arrange the future relations between the American Colonization Society and this republic.

SEC. 17. This constitution may be altered whenever two-thirds of both branches of the legislature shall deem it necessary; in which case the alterations or amendments shall first be considered and approved by the legislature, by the concurrence of two-thirds of the members of each branch, and afterwards by them submitted to the people, and adopted by two-thirds of all the electors at the next biennial meeting for the election of senators and representatives.

Done in convention at Monrovia, in the county of Montserado, by the unanimous consent of the people of the commonwealth of Liberia, this twenty-sixth day of July, in the year of our Lord one thousand eight hundred and forty-seven, and of the republic the first.

In witness whereof, we have hereto set our names.

S. BENEDICT, *President*,
J. N. LEWIS,
H. TEAGE,
BEVERLY R. WILSON,
ELIJAH JOHNSON,
J. B. GRIPON,

} *Montserado county.*

JOHN DAY,
A. W. GARDNER,
AMOS HERRING,
EPHRAIM TITLER,
R. E. MURRAY, *county of Sinoe.*

Grand Bassa county.

J W. PROUT, *Secretary of Convention.*

MONROVIA, July 29, 1847.

FELLOW-CITIZENS: Having finished our labors, we now have the honor of submitting to your consideration, through the governor, that constitution which in our opinion will best suit the peculiar circumstances of the people of this infant republic. That our labors will meet the full approbation of every individual citizen, is scarcely to be expected; we trust, however, that a large majority of our fellow-citizens will approve our doings, and adopt the constitution herewith submitted.

In our deliberations, we endeavored to keep our minds steadily fixed upon the great objects of civil government, and have done what we conceived to be best for the general interest of this rising republic. We endeavored carefully to arrange every subject that might possibly arise, calculated to disturb in the least the friendly feeling which now so happily subsists between the different counties of this republic. We felt deeply the importance and magnitude of the work submitted to our hands, and have done the very best we could in order to afford general satisfaction.

In view of the peculiarity of our circumstances, the new position we have assumed is indeed a gigantic one, and the government now calls to its support every citizen who is at all concerned for the safety and future prosperity of this our only home.

Knowing, however, that our cause is just, we feel encouraged, and believe that under God, by a speedy perseverance, we shall fully succeed.

In publishing to the world our *independence*, we have thought proper to accompany that document with a declaration of the causes which induced us to leave the land of our nativity, and to form settlements on this coast, and also an appeal to the sympathies of all civilized nations, soliciting their aid and protection, and especially that they would, notwithstanding our peculiar circumstances, speedily recognise our *independence*.

And that the flag of this republic at no distant day may be seen floating upon every breeze, and in every land respected, it is our earnest desire that the affairs of this government may be so conducted as to merit the approbation of all Christendom, and restore to Africa her long lost glory, and that Liberia, under the guidance of Heaven, may continue a happy asylum for our long oppressed race, and a blessing to the benighted and degraded natives of this vast peninsula. To secure which is our ardent wish and prayer.

With great respect, we have the honor of being your obedient and humble servants.

By the unanimous order of the convention:

SAMUEL BENEDICT, *President.*

Flag and Seal of the Republic of Liberia.

The following flag and seal were adopted by the convention, as the insignia of the Republic of Liberia, and ordered to be employed to mark its nationality.

Flag: Six red stripes with five white stripes alternately displayed longitudinally. In the upper angle of the flag, next to the spear, a square blue ground, covering in depth five stripes. In the centre of the blue, one white star.

Seal: A dove on the wing, with an open scroll in its claws. A view of the ocean, with a ship under sail, the sun just emerging from the waters. A palm tree, and at its base a plough and spade. Beneath the emblems, the words **REPUBLIC OF LIBERIA**; and above the emblems, the national motto, **THE LOVE OF LIBERTY BROUGHT US HERE**.

The former seal of the commonwealth is ordered to be used until that for the republic shall be engraved.

By order of the convention:

S. BENEDICT, *President*.

APPENDIX.

A.

The revenue laws of the country contain the following sections:

SECTION 10. *It is further enacted*, That when the cost of leaf tobacco, purchased in the foreign market for the republic, shall be not more than three cents a pound, it shall be sold at an advance of one hundred and fifty per centum on the prime cost; when over three cents, and not more than four cents, it shall be sold at one hundred per centum advance; when over four, and not more than five, it shall be sold at an advance of sixty per centum; and when over five cents, it shall be sold at an advance of fifty per centum on the prime cost; common trade powder at an advance of fifty per centum on the prime cost; muskets, when the cost shall be less than two dollars, at fifty per centum—when more than two dollars, at forty; all other fire-arms at fifty per centum; crockery and earthenware at sixty per centum; and salt at sixteen dollars per ton of forty bushels.

SEC. 11. *It is further enacted*, That in two days after the arrival of the goods on behalf of the republic, mentioned in this act, or any portion thereof, the impost or tariff on the same species of commodities, imported into this republic for the account of any other party whatsoever, unless the same shall be excepted or modified by treaty, shall be as follows, namely: On leaf tobacco, when the cost shall not be more than four cents a pound, seventy-five per centum shall be charged; when over four cents, but less than five, sixty per centum shall be charged; and when over five cents, fifty per centum shall be charged; on muskets, thirty-three and a third per centum; on all other fire-arms, not costing more than three dollars each, thirty-three and a third per centum; on powder, thirty-three and a third per centum; on crockery and earthenware, thirty-three and a third per centum. The rates mentioned in the foregoing part of this section refer to direct importations. On the sales of any of the above-mentioned articles made by transient traders or vessels, thirty-three and a third per centum shall be assessed as the impost to be collected, excepting on salt, on which, in every case, shall be charged a duty of six dollars a ton of forty bushels.

An act regulating commerce and revenue.

ARTICLE 1: SEC. 5. *It is further enacted*, That each commission merchant shall pay a tax of fifteen dollars per annum, and each retailer shall pay a tax of twelve dollars per annum. It shall be unlawful for any citizen, or any other person, within this republic, to sell or barter any goods, merchandise, or vendible property, or transact business for any foreign importer, merchant, master, or supercargo, or owner, on commission, without first having obtained a commission merchant's license; nor shall any licensed commission merchant, as such, either by himself or another, deal, transact, or barter other than in the legal wholesale way.

SEC. 6. *It is further enacted*, That any person wishing to carry on the business of auctioneer, shall pay a tax of sixteen dollars per annum.

SEC. 7. *It is further enacted*, That no person shall sell ardent spirits, wines, (claret excepted,) and cordials, without first having obtained a

special license, for which shall be paid a tax of fifty dollars per annum. And further, that the penalty for selling spirits, wines, (claret excepted,) and cordials, without license, in this republic, shall be one hundred dollars, to be recovered by action of misdemeanor in any court of this republic having competent jurisdiction—one-fourth to go to the informer, and the other three-fourths to the use of this republic.

SEC. 13. *It is further enacted,* That on all ardent spirits, wines, (claret excepted,) and cordials landed in any port of this republic, there shall be collected a duty of twenty-five cents on each gallon; and all such articles shall be landed under the immediate observation of the collector or his deputy, and by him gauged, or the quantity otherwise ascertained on the spot, and the amount of duties thereon be paid before it goes out of the hands of the collector.

B.

ARTICLE 1: Sec. 2. *It is further enacted,* That all vessels hailing from ports and sailing under the flag of this republic are hereby prohibited from any and every species of intercourse with slavers at sea and elsewhere, and are forbidden to trade or hold any negotiation with them, under a penalty of one hundred dollars, and forfeiture of all the articles, or value of them, so traded for; and no such vessel as above mentioned shall purchase at sea from any vessel any goods, wares, or merchandise, and land them at any port or any factory which they may be licensed to keep within the limits of this republic; without accounting to the nearest port-officer for the amount of duties chargeable on said purchases, and paying the lawful tariff duties imposed on the articles, under the penalty hereafter affixed to smuggling in this republic.

SEC. 3. *It is further enacted,* That no citizen of this republic shall be permitted to act as agent for any person or persons engaged in the slave trade, under a penalty of being six months bound to hard labor in irons. And further, that no person resident within the jurisdiction of this republic shall enter into the employ or service of any slave-dealer, or any person in the remotest degree connected with him or them, under the penalty of indictment and fine of fifty dollars; and any person belonging to this republic being found on board any slave boat or vessel, or in the neighborhood of any slave-dealing establishment, shall be deemed accessory to their crime, and suffer the penalty as above. But should any citizen so implicated show that he or she was by accident or distress thrown into that situation, being satisfied of such fact, the President may admit the plea in pardon or extenuation; but should he or she fail to make good such representation, he or she shall suffer the penalty last above named.

ARTICLE 2: Sec. 10. *It is further enacted,* That no vessel engaged in the slave trade, or having connexion with the slave trade, shall be allowed to enter the ports of this republic; and no foreigner residing within the jurisdiction of this republic shall be allowed to have any connexion with the slave trade, or to act as agent for any slaver, under the penalty of being fined, on conviction thereof, in the sum of one hundred dollars for the first offence, and for the second offence imprisonment in the common jail for a period of not less than three months, nor longer than eighteen months.

C.

“Those who have arrived this year require as much clear space as all who were there before them, and probably more, for they are better able to work, and have more means to work with. Like those who preceded them, they will be compelled to do everything with the axe, mattock, spade, and hoe, in the line of agriculture. They have brought excellent ploughs, harrows, and cultivators, every way suitable for the cultivation of the African soil. They have harnesses and trace-chains, but unfortunately there is not a horse in the county of Sinou; but a plenty of bullocks may be had from the natives, and the new-comers will, in all probability, break them into ploughs and wagons, and make them serve as horses and mules. It has been said that horses brought from America will not live and thrive in Liberia; but I doubt whether the question has ever been fairly tried. A small effort was once made to introduce donkeys from the Cape de Verde islands into Monrovia, which happened to fail, and a horse or two from Sierra Leone died there; but I doubt whether such unsuccessful attempts show that horses from America will not thrive in the fields on the African shore. The natives in the rear of Liberia—from fifty to a hundred miles back—have excellent horses; at least, so the shore natives, who have been there, say; and efforts are being made by the president at Monrovia to open communication enough with them to induce them to bring droves of their horses down to the settlers. No doubt this will be accomplished; and then new-comers will find an easier mode of cultivation. Nor when their implements of husbandry are gone, will they want for more. The late arrival at Sinou brought all sorts of workers in wood and iron, able and ingenious mechanics, as well as farmers. The country affords the toughest sorts of wood and iron, not inferior to that of Pennsylvania and Tennessee. One of the emigrants, who arrived a few months ago, has nearly erected a two-story house for his family of seven or eight, who came by the last arrival, built entirely of African timber and plank, got out with pit-saws. It is a durable two-story house, well planned and made. The timber is similar to our oak, and the plank, which they call African poplar, is of a cherry color, and more like some of our pines. It is excellent building wood.

“The Sinou river, as far up as the falls, is, in some parts, twenty-four feet deep, and in no place is there less than ten to twelve feet. The falls are capable of affording abundance of water for mills of any description by cutting a canal, by which a fall may be secured of fifty to sixty feet, and sufficient water to be had at all seasons of the year; and at no season does it rise so high as to injure any such establishments. The country adjacent to these falls is heavily timbered, and the soil rich and fertile. The country gradually rises, and is reported to improve more and more the further you ascend the river.”—*Journal of Mr. Harris, purser on board United States ship “Decatur.”*

D.

In the year 1835, the declared value of British and Irish produce and manufactures exported to the whole of Africa was £917,726.

Ex.—4

The declared value of British and Irish produce and manufactures exported to Africa in 1837 was £312,938, of which £101,104 was made up of the value of arms and ammunition, and lead and shot.

The estimated value of imports in 1834 into Great Britain was £456,014, (exclusive of gold dust, £260,000,) and consisted chiefly of palm oil, teak timber, gums, ivory, bees-wax, and all extremely valuable and in great demand, but obtained at comparatively little labor and cost.

[*Burton.*

E.

"The more I reflect on the African slave trade, and on the subject of colonization, the more I am convinced that the only remedy for the former reposes in a liberal encouragement of the latter. I do not mean by colonization that new settlements shall be planted by us all along the coast as the best policy; and it were better, perhaps, to call it not colonization, but emigration from the United States to Africa, by the black population. Reinforce the Liberians, let the strangers be acclimated there and become citizens, and let the Liberians themselves make settlements beyond the limits of their territory, or rather acquire territory wherever they may wish to make them; this is the true method. However ample our means, we can do little or nothing without the civilized Africans. With a very little of our means, the African immigrants, backed by our support and countenance, may do everything. The first step, then, is to induce the free blacks to emigrate; and if they could be apprized of the advantages which invite them, and the wide field which is opened to them on the continent of their fathers, it would seem that they could have no greater inducement. A country which is clothed with evergreen, producing all the luxuries of the tropics in abundance, and without much cultivation, with a republican government, ornamented with flourishing churches and schools, and every opportunity to live with ease and independence, invites them to privileges and immunities, and to the enjoyment of social rights and blessings, which they can never know even in the most free of the United States, or in any other country. If they have property, let them take it with them, and it will prove like a grain of mustard-seed planted in season. If they have none, land will be given them on their arrival—their own land. And what is still more inviting, they will have inheritances for their children, not only in lands, but in a free country of their own—their native country, perhaps; at least the native country of their ancestors—and a rich inheritance in the form of an education, with the path to preferment and distinction clear and open before them."

[*Purser Harris's Journal.*

F.

The Rev. J. Payne's account of the Grebo tribe, at Cape Palmas, extending thirty miles along the coast from the Cavalla to Fishtown river.

The Greboes emigrated probably about one hundred and fifty years ago, to the territory now occupied by them, from the leeward coast. The

point of their debarkation was just below Grand Bereby. They lived a short distance from the coast, and constituted part of a tribe still living in that region, and known as the "Worebo." A crowded population appears to have led to the emigration.

The name *Grebo* is composed of *Gre* and *bo*. The latter designates a class, (e. g. *degû*, a doctor; *degû-bo*, doctors.) The former, "*Gre*," is the name of a species of monkey which leap with remarkable agility. In getting off from the shore at the time of emigration, it appears that many canoes were capsized. The *Grebo* word for capsize is *wore*, and hence those who capsized and remained were called *worebo*. Those who were successful in embarking—leaping over the waves like the "*Gre*," were styled *Grebo*.

The Greboes, proceeding up the coast in their canoes, landed at different points as they became tired; and where they found water, formed small settlements. The coast at that time appears to have been uninhabited; only at Cape Palmas, tradition relates that a small settlement of whites was found. These were probably Portuguese and slave traders. The first settlements of the Greboes in this region were not permanent. They proceeded at different times up the coast until they reached Grand Sestres, where contact with other tribes, and a partial accession from them, produced a modification of the language and of the tribe. At length, directed by an oracle, the scattered settlements of the Greboes retraced their steps to the leeward. The great body proceeded at once and settled at Cape Palmas; although subsequently considerable numbers followed, and became engrafted into the tribe. From Cape Palmas, (Berina See,) Rocktown (Tasch) was colonized; and subsequently, after considerable intervals, Grahwah (Blege) and the river Cavalla towns (Wattah and Koblah.) Again, from Rocktown were colonized Middleton, (Lede,) Fish-town, (Wah,) and Half Cavalla, (Bwêde.) The names here given are those of the seven principal Grebo towns, having an aggregate population of about twenty-five thousand.

The *constitution* of the Grebo tribe is patriarchal, although the government is almost purely democratic. There are in it twelve families, as in the case of the ancient people of God, deriving their names, probably, from the emigrant patriarch or father. Their appellatives are Nyambo, Grêbo, &c. In nearly every one of the Grebo settlements above enumerated, there are parts of these families, having in each case their distinct head man or patriarch. This patriarch usually occupies a particular portion of the town, with his sons, grandsons, and relatives around him. The male members of these, deposit with the patriarch a portion of the money which they accumulate, and the latter in return pays the betrothment money (about \$20) for their wives, as well as the fines and expenses, from any source, to which they may be liable.

Besides these duties to their relatives with whom they are connected, the patriarchs collectively constitute an upper court or senate in the body politic. To this body belongs the right of originating plans for promoting the public weal; to them are referred questions involving international rights and relations in the premises, and by them claims growing out of such relations are met. Indeed in all matters of grave interest, whether domestic or foreign, the voice of the patriarchs must be heard.

But the most influential class in every Grebo community is the Sedibo. This is most emphatically "the house of representatives," the *popular*

house, for it is composed of all males beyond the age of 18 to 20, except the patriarchs. Usually, as soon as a young man is married and has a house, he pays into the treasury of the "Sedibo" a bullock, goat, half bushel of rice, and thenceforth, unless convicted of witchcraft, is entitled to all the rights and privileges of the Sedibo. These are by no means inconsiderable. They combine the legislative and the executive powers; for although the patriarchs may originate and advise, the Sedibo—the people in lawful assembly—must discuss and resolve, before any action can be had or law passed, and they meet and make laws at any time, and in relation to almost anything. They meet and decide that a man has stolen something, and for the offence make him pay a fowl, or all that he possesses, according to their temper towards him. They determine that a certain man has been guilty of witchcraft, and give him *gëdu* (sassy-wood) and kill him. The fines imposed by this body are *divided according to hereditary right*. Thus, for example, if a bullock is slaughtered, (fines are almost always paid in something to eat,) one man by hereditary right takes the *shoulder*, another the *neck*, &c. These rights owe their origin to the same causes as the titles in Europe. They were given to ancestors for some services rendered, or by some powerful prince, and have thence come down in lineal descent to posterity.

The same principle prevails in respect to offices, of which there are four principal ones in every Grebo community. These are the Woraba, Bodià, Ibadia, and Tëbawa. The former two are taken from the class of "Nyekbade" or patriarchs—the latter from the Sedibo.

The *Woraba* (literally town's father) is the oldest or most influential patriarch, lineally descended from the founder of the town. In the assembly of the patriarchs he takes precedence of all others, and has the largest share of all the perquisites of this body.

The *Bodià* appertains to one family; but this is by appointment of an ancient oracle. The Bodià, and, in fact, the other two offices of which I am to speak, though belonging to particular families, are only conferred upon those designated by some oracle consulted in reference to the appointment. The Bodià, more than anything else, resembles the office of high priest among the Jews. The individual having been designated who is to fill the office, on an appointed day he is installed by a long ceremony, too tedious to describe. The leading features are, a sacrifice of a goat to the Kur, (demons and departed spirits,) the blood of which is *sprinkled* around and inside the door posts of the Bodià's house. The Bodià is shaven, clad in a new garment, has a tiger's tooth tied around his head, (this is a common ornament of gentlemen,) has a monkey's skin prepared to be placed always beneath him when he sits, and *he is anointed*. The house in which he lives is called, from this circumstance, the *Te-kai*, (the anointed house.) During the ceremony, the patriarchs of the several families, in order, give the Bodià elect their respective charges. In substance these are: "Let trade be active; cause the earth to bring forth abundantly; let health prevail; drive war far away; let witchcraft be kept in abeyance," &c. Poor man! he has a load put upon him, which it is not wonderful can be borne only a short time. During his continuance in office he resides in the *Te-kai*, a house built by all the people. He keeps the public greegrees and idols, and *feeds them* with rice and oil *every new moon*. In making sacrifices for the town to departed friends and demons, he officiates as high priest. He cannot sleep in any other

house in town but his own; he may not drink water on the highway; he may not eat while a corpse is in town; he must *not mourn for the dead*; he must not sit on the same bench. If he dies while in office (the ring put on his ankle, at his inauguration, having been previously taken off and placed on that of some member of his family) he must be buried in the stillness of the night; none but the most important public functionaries hearing of it, and none mourning for him when his death is made public. All Grebo Bodias, too, must be buried on the island off Cape Palmas, if they have died a natural death. If they have been killed by gëdu, (sassy-wood,) they must be buried beneath a running stream of water.

The *nominal power* of the Bodia is very great, as he has a veto on all questions brought before the people; but in practice is very limited, for he dares not act contrary to the popular will, which he is, therefore, very careful to ascertain. In truth, of all offices that of the Bodia is most comfortless. This arises from the superstitious notions and expectations connected with the office. It has been before stated, that, at his inauguration, he is charged with matters which God alone controls—*with Providence*. It follows that whenever adversity of any kind befalls the country, the Bodia is held responsible for it—"he has made witch"—this is the solution, and many a poor incumbent has paid the penalty with his life. It is no wonder that this highest office in the people's gift is far from being desired, and that in the most instances, when the oracle has designated the individual, they have almost to "take him by force and make him king." The two remaining offices, *Tibnoa* and *Ibartia*, appertain to the Sedibo, and on a vacancy occurring, are filled in the same manner as that of Bodia. These, too, are hereditary in families. In the assembly of the Sedibo, their assent must be obtained to any measure before it can be carried into effect; though, as in the case of the Bodia, this assent is rather the expression of the popular will than the guide of it. The most important duties of these officers devolve upon them in time of war. Then the *Ibadia* must always *lead*; and in case of retreat or defeat, the latter must always bring up the rear, or cover the retreat. They are consequently posts of the greatest danger. In reward for their services they have, by hereditary right, a large share of all perquisites of the Sedibo.

The third class into which every Grebo community is divided is the *Kedibo*. This is composed of youths and boys between the ages of 18 and 11 to 12. A small initiation fee admits any one of initiable age to this class. They have a treasury, a kind of head, usually selected from among the elder Sedibo, to take care of their property. They have meetings, at which they discuss subjects of which they have the control, but are subject to the direction of the Sedibo in all important matters.

The *Kimbo* includes children from 6 to 11 years of age. Theirs is a separate organization, although their rights and privileges are of more limited character. Their chief perquisites are those obtained for their collective services in busy seasons. But it is wonderful to witness the stormy debates of this little society, as well as amusing to see them punishing each other for real or alleged offences, by *putting pepper in their eyes*, beating them, &c.

There is a curious secret association or society to be found in every Grebo community, styled Kwi-iru, or "children of departed spirits." Although it is attempted to keep everything connected with this association concealed, it is known to be composed of persons of almost all ages in the com-

munity, except children. They have a "father," as he is called, but he is never visible or known except to members of the society. When, as is rarely the case, the "Kwi-iru" appear in the day, the "father" is always so masked as to be perfectly disguised. The night, however, is the usual time for this strange association to go abroad; often at midnight, on the outskirts of the town, or in the adjoining bush, a sudden, discordant shrieking, whistling, yelling, hideous noise bursts forth, as if scores of spirits had been let loose from the lower world, and as if their object was to frighten man from the earth. In a tumultuous body they run around and through the town. Women and children fly affrighted into their houses and close them up, for a heavy fine would be the penalty of their seeing and being seen by the mysterious visitors. If in their wild revelings they fancy to want anything from any one, they surround his house and there remain yelling, dancing, screaming, and threatening until their demand is granted.

The avowed object of the association is to seek and to punish *witches* and *wizards*. These are said to be particularly active in practising their arts at night. They strip themselves naked and go to the houses of those whose lives they seek; and especially is it their delight to visit and dance on the graves of those whom they have succeeded in killing by their enchantments. Wo, then, be to the man or woman who is seen walking around or through the towns in the night! The Kwi-iru pounce upon them, carry them to a house prepared for the purpose, put them in the top of it, where they are smoked until next day about 10 o'clock, or the usual time for subjecting them to the universal African test, "gēdu," or sassy-wood. Early in the morning, an official of the Kwi-iru is despatched to the forest to get the bark of the gēdu tree. This arrived, the accused person is taken by the Kwi-iru to the field; there, in the presence of the assembled town's people, to be subjected to the test. The officer of the body beats the bark in a mortar, pours water into it, then turns it out in a wooden bowl, and calls for the accused to come forward and drink. Holding the bowl in his hand, he looks towards the east, and says, in substance: "Oh, God! oh, God! oh, God! oh, God! I invoke thee four times! If this person be innocent, cause him to vomit this gēdu and escape. If he be guilty, may it kill him." The accused takes the bowl and repeats the same words. He then takes the potion. Immediately after doing this he starts to town, escorted by one or more members of the Kwi-iru, and followed by the multitude. The former, after reaching town, keep near the accused, and force him to walk incessantly until it is ascertained that the gēdu does not affect him, or he falls down suddenly dead, a victim to the poison. As soon as this takes place, a fiendish shout rends the air: "The witch is found—he is killed." Tied by the feet, the dead body is dragged out on the beach, where it lies for some hours exposed to the insults of the populace. Before the relations are permitted to bury it, they must purchase it from the Kwi-iru for a bullock, or something equivalent.

The Kwi-iru, as a kind of police, are often employed by the Sedibo to administer gēdu, in cases where persons are accused of witchcraft, either by them or by the Deyābo.

This last word, *Deyābo*, designates the most remarkable class among the Greboes. They are the life and soul of their superstitions. They are commonly called in English, *doctors* or *devil men*. Neither term, however,

conveys a correct impression. They are possessed, or suppose themselves possessed, by a "Ku," demon or spirit, under whose inspiration they act and give their responses. They, in fact, do exhibit the peculiarities of those mentioned in Scripture as "possessed." They are "thrown down on the ground," they "gnash with their teeth," they appear dead while they utter strange unearthly words, "they pine away." Whenever any of the above marks appear in an individual, he is said to be "possessed," and is at once placed with an old "Deyā" to be instructed in the arts and mysteries of the profession. The noviciate lasts from one to three days, according to circumstances. During this time, the candidate wears no other covering than some grass tied with a cord around the loins. He does not wash. He has no connexion with his wife: sleeps apart, eats apart, &c. When the instructing Deyā is satisfied with his proficiency, and the candidate's family get a bullock ready to pay for his education, a day is appointed for inducting him into office. This is quite a long ceremony. The principal features only will be here given. The test of the reality of his possession is very singular. A fowl or duck is killed, and the head cut off; some of the blood of this is put on the candidate's eyes, and the head is then taken away and thrown into the bushes. The candidate is now sent to find it. If he succeeds, his possession is real; if not, he is deceived. The latter case, however, seldom occurs, as good care is taken that the head shall be found, and the candidate is escorted by his relatives (usually on the back of one of them) to the place of ceremony. There he is divested of his filthy hair and habiliments; is clothed in the usual dress of his class, furnished with a stock of greegrees and charms, and taken home by his relatives.

Established at home, he is a most wonderful character. Under the inspiration of his demon there is nothing which he cannot find out—nothing which he cannot do. Distance is annihilated. From hundreds of miles the secrets of hearts are known and revealed. Hidden acts of witchcraft are brought to light. The potent spells and charms of the Deyā control winds, rain, pestilence, health, wealth, life and death. There is no good sought nor ill deprecated for which he does not at once provide specific greegree. But it is especially in reference to witchcraft that the powers of the Deyābo are invoked and exercised. This is *the* great evil of the country—the one most practised—the most feared. To guard against this, the Deyābo make charms for the persons of individuals, for their houses, for the town, for the country. By consulting their demons they are supposed to be able at once to designate the witch or wizard in any particular case, and the word of a Deyā is taken, ordinarily, as sufficient proof that the party accused is guilty, or rather as sufficient ground for subjecting him to trial by gēdu. This fact, in connexion with the popular belief that death, in all cases—except those of infants and very aged men—is caused by witchcraft, causes a general fear through the whole community whenever one dies; for *any one in town* is liable to be arrested at any moment, and subjected to the dread ordeal of gēdu upon the mere ipse dixit of a Deyā.

There is one singular—and I may add hopeful—feature connected with this, at first sight most preposterous and wicked system. When the Deyā has consulted his demon and prepared his charms, it is common with him to say, "Now, nyena ba wenh, (if God wills,) this will accomplish the good

you seek, but not otherwise." Indeed, the intelligent Greboes contend that the whole system of the Deyābo is by *appointment of God*. The Deyā is their means of access to God: the Deyā, speaking by his demon, *conveys the voice of God*.

Such is the most intelligent view of the system of the Greboes' superstition. But it contains within itself the elements of its own destruction: for the Greboes believe that God is *holy and true*; but the Deyābo, they know by experience, *are all vicious, and all speak lies*. It is not wonderful, therefore, that, in the light of the Gospel, the system is losing its hold, and the Deyābo their influence upon the people.

The *moral character* of the Greboes is substantially that given in the first chapter of Romans—that of man everywhere left to himself. But it is surprising, in their case, to see how much that is outwardly good and pleasant can coexist with the inwardly corrupt, and, indeed, how the latter contributes to the manifestation of the former. It has been stated that witchcraft (by which is meant the accomplishing of any object by magical preparations) is generally practised. The people are also, of course, *all revengeful*, and witchcraft affords the means of revenging themselves; and as all are conscious of *evil, all fear evil*; and this fear is the chief cause of the great courtesy which really characterizes the Greboes in their intercourse with each other.

The *physical character* of the Greboes is not inferior to that of any tribe on the west coast of Africa. This may be readily inferred from the fact that they are eagerly sought by vessels of war, as well as by traders. The class known on the coast as Kroomen, (Croomen, or Crewmen,) are, in fact, a large portion of them, Cape Palmas or Grebo people. A great many of them are to be found in Sierra Leone, and, indeed, in many of the foreign settlements from Sierra Leone to the Gaboon river.

Their *intellectual character* corresponds with the physical. In our schools the children learn rapidly. In the meetings and councils of the Sedibo and people, which I have attended, I have been struck with the order, decorum, and mental acumen displayed. In grave assemblies each man has his place and his time to speak; when this arrives, he stands up, usually holds a long staff in his hand, and asks attention by saying "bateo," (attend all;) the assembly responds "bate," (we attend;) after he has finished, the next in order takes the staff, and proceeds in like manner. And in examining evidence they are most thorough; and keen, indeed, must be the foreign casuist who can get the advantage of them on matters coming within the range of their knowledge and experience.

The geographical position of the Greboes, in connexion with their physical and intellectual character, affords ground to hope that they are destined to be instruments of extreme good amongst the numerous tribes in their vicinity. They are situated at the mouth of the Cavalla river, navigable for canoes and boats about seventy miles, and having on its banks some twelve tribes. With these tribes the Greboes have daily intercourse, and they speak dialects so nearly alike that they are readily understood by each other. It is probable, too, that books published in Grebo will be understood by all these tribes. Hence it follows, that to Christianize the Greboes will be at once to diffuse its blessings throughout these tribes.

The *Episcopal Mission* in West Africa is established in the Grebo tribe. It embraces at present three principal and one sub-station. A

fourth principal station will be opened during the year at Rocktown. Those at present in operation are: Mount Vaughan, Fishtown, Cavalla, and River Cavalla.

Mr. Vaughan station is within the immediate settlement of the colony, and is wholly colonial in its character. Here are a female day school, in which upwards of fifty children receive instruction, and a high school in embryo, having in it fifteen boys. This will be made a boarding school in part at the beginning of next year, being designed to train up teachers and ministers.

In connexion with this station is a chapel for the accommodation of the Colonist congregation; for whose benefit a stone church, St. Mark's, is in process of erection. The number of communicants here is twenty-two.

Fishtown station, under the superintendence of Rev. Jacob Rambo, is twelve miles from Cape Palmas. It is in the immediate vicinity of a native population of 3,500, with many villages near. In the boarding school of native boys and girls, there are twenty-five children. A comfortable chapel has been erected, in which, as well as in the villages around, stated services are held. There are at this station twelve communicants. A hand printing press is also now in operation there.

Cavalla station, under care of Rev. J. Payne, is ten miles from Cape Palmas to leeward, as Fishtown is to the windward. There is a population (native) about the same as at Fishtown, with a larger within a few miles distance. In a chapel, built of native materials, in the middle of a native town, regular services are held, the average attendance being two hundred. Services are also held in many villages around. In the male and female boarding schools connected with the station, are sixty-three pupils. The number of communicants thirty-seven.

River Cavalla is an out station of Cavalla, where there is a boarding school containing ten children. By the missionaries the gospel is preached in some twenty-five native towns and villages, besides the colony. Summary: 3 principal and 1 out-station; missionaries and their wives, 6; teachers, colonist and native, 13; pupils, colonist and native, 165; communicants, colonist and native, 71.

The language has been reduced to writing, and Genesis, the gospels of Matthew, Mark, and Luke, and Acts, translated, besides smaller books published in the language.

J. PAYNE.

G.

Report of the Kroo people, by Rev. Mr. Connelly.

I have lived five years and one month in Settra Kroo, as a missionary. I will speak first of the country and climate; then of the people and of the success of the mission. As to the land, I have lived upon the beach, but travelled as far as fifty miles back into the interior. The land is neither rich nor poor; but it is all good and very fruitful. It has a little inclination to be gravelly and soft. The face of the earth, with a little exception, is covered with a jungle thicker than the swamps in the United States. It is also plentifully interspersed with large trees, and

pleasantly variegated with hills and valleys. There is scarcely a tree, shrub, or herb, such as is found in the United States.

The chief productions of the country for food are cassada and rice; also cabbage and sweet potatoes. The animals are bullocks, sheep, and goats. The chief fruits are pineapples, oranges, cocoanuts, lemons, plantains, bannanas, papaws, and guavas. The chief articles of commerce are palm-oil, cam-wood, rice, and ivory. In the rainy season (our summer in America) the mercury stands at about seventy-eight, and in the dry season (our winter in America) at about eighty-six.

If the land was cleared and cultivated, I think the country would be as healthy as any other portion of the globe. The natives are as healthy as our colored people in America, and subject to fewer diseases. People from the United States are not so healthy as the natives, and especially white men. All foreigners, having to undergo acclimation, necessarily suffer in their constitutions.

I am far from thinking that this acclimation is not morally a benefit to the emigrants, and to the republic; because it tends to civilize the newly emancipated. Some three generations back—say two hundred or two hundred and fifty years—some of the bush people, between two and three hundred miles in the interior, a people called *Claho*, came to the beach, (several of these men having followed the Poor river, and learned on the beach the value of salt,) and first commenced a settlement at Bassa, and subsequently removed to Little Kroo, very near Settra Kroo. Several of the tribes from the interior, with their several kings, came and united with them and consolidated themselves under one government, embracing five towns, called Little Kroo, Settra Kroo, Kroo-bar, Nana-Kroo, King Will's Town. Long ago, in the time of the Portuguese slave-trade, these people assisted slave vessels; and there is said by them to have been a compact or agreement, between them and the Portuguese and other slave-traders, that they should be exempt from slavery, and should be known by a black mark upon the forehead and nose, which is still universal among them, as well as their freedom from slavery, (they never making slaves of one another;) and their name, Kroomen, is said to be but a corruption of the title of Crewmen, because of their general employment among vessels visiting the African coast. Among the people polygamy exists extensively, and slavery to some extent—though these slaves are bought only from other tribes, and are never sold to foreigners, or to any persons out of their own tribe. Their houses are built of a square form, and of sticks covered with bamboo plaited, and the roof of leaf thatch; and the floor is of plaited bamboo, raised eighteen inches on sticks, and the door and the loft above are not sufficiently high to permit an adult to enter standing. There are generally three rooms in each house, separated by partitions of plaited bamboo. The fire-place is made principally of hard clay, near one corner of the house, where is the only window, which serves both to admit light and open a passage for the smoke. The smoke penetrates the interstices of the loft above, and preserves the rice, which would otherwise be destroyed by insects.

Their furniture consists mostly of a few cooking utensils; their floor answers for bed, table, and chairs, and their pillow is a round stick of wood. Their dress is a piece of cloth wrapped about the loins. Their devotions are a superstitious gazing on the new moon, and a feast on the first day of the moon among the headmen, and devotional walks in a

thicket called the *devil's bush*. They depend on amulets or greegrees for protection and defence. These are purchased from the greegree doctors for different sums of money, according to the purposes for which they are designed. These amulets are sheep horns, or small pockets, filled with herbs and palm oil and dirt, made by the doctor or conjuror. These doctors are a distinct class of men who come into the profession hereditarily, the heads of the families teaching their children their craft. The children destined to this profession enter early upon these studies under some doctor—sometimes as early as seven or eight years, and are distinguished by a peculiar straw dress.

These doctors profess a knowledge of herbs and roots, and to have the means of curing diseases, and are called to relieve the sick and afflicted. But their greatest reputation is derived from their imagined supernatural knowledge.

The Kroo people consider death and sickness as caused by witchcraft, and they employ and rely upon the doctors to point out the person who has by witchcraft caused these evils. The person who is designated as guilty of the crime of witchcraft is arrested by the soldier king, and condemned to the ordeal of sassy-wood. The bark of the sassy-wood is powerfully narcotic, and a strong decoction of this the person condemned is forced to drink; and after he has drank it, he walks to and fro, exclaiming "Am I a witch," "am I a witch?" while one of his executioners walks behind him replying "You are a witch, you are a witch;" and this continues until he either throws off from his stomach the poison, when he is pronounced innocent, or it operates as a cathartic, when he is declared guilty, and compelled to take more of the decoction, and is subjected to other cruelties, which cause his speedy death. When pronounced innocent, there is great joy and triumph among the friends of the accused, who march through the town dancing, singing, and firing guns, and the conjuror resigns his fee to those who employed him. These shocking scenes of the ordeal by sassy-wood were of almost daily occurrence in former times, but have been much less frequent, say three or four times a year, since the establishment of a mission among them. Sometimes this sassy-wood is used to decide questions between individuals, and they voluntarily drink it to prove and settle some disputed points. This ordeal by sassy-wood is one of the most prevalent and cruel of African superstitions, and is practised among nearly if not all the tribes of Africa. We presume that thousands of the Africans perish by this sassy-wood superstition annually.

The government, in the tribes which united to form the Kroo people, was probably at first patriarchal, but at present it is a self-perpetuating oligarchy, though one of the headmen has the title of king, and another that of governor.

The headmen or aristocracy are about a dozen or fifteen, and wear as a badge of authority an iron ring about the leg. The king has his office hereditarily, and the governor's office is secured to his family for past services rendered by his ancestors in conquering the country. The soldier king is elected for an indefinite time by the headmen, and is general and the officer commanding in war, and arresting and executing those condemned to drink the sassy-wood. This office is desired, as this officer is entitled to a liberal fee for any arrest or service. Besides these officers and their assistants, there are six or eight headmen, who are called pala-

ver men, who, with those just mentioned, constitute the general council of the nation.

Each tribe uniting to form the Kroo people brought its own king, and the families of these come to the office of king in succession. The laws of the Kroo people are a body of customs handed down by tradition from past generations, interpreted and enforced by the general council, who also enact occasional special laws, which are generally suggested or dictated by the doctor or conjuror. The laws are imperfect, inconsistent, and unfair. If one man loses anything, and accuses another of having stolen it, the accused is required to drink sassy-wood to prove his innocence. The ordeal of sassy-wood is therefore made a penalty for almost all crimes, and exerts a powerful restraining influence on the community. When the sassy-wood so affects the accused as to condemn him, the friends of the accused may buy him off from death for different sums of money, according to the wealth of the family of the accused. The reason why so few are saved is because of the poverty of the friends of the accused, and because, if once rescued, the accused is exposed to be re-accused for any trifling offence. The ordeal of sassy-wood is frequently made to decide points of honor, precisely like the custom of duelling in the United States.

The leading motives of the Kroo people are sensuality and vanity. The men employed by vessels on the coast, and by traders as factors on shore, are industrious, but on the plantations and in their towns the men are idle, and the women perform most of the labor. The men build the houses and clear the plantations, but the women plant, watch, cultivate, gather and beat the rice, and also cut and bring the wood, and perform all the labor about the houses. The women seldom eat with the men, except a man's head or favorite wife, who superintends the cooking, and first tastes the food before he partakes.

The system of polygamy gives rise to jealousies and quarrels among the women. All lawful wives are purchased when children, and when they arrive at a suitable age, are taken to their husbands. Besides these, there is a class of women who go and live with any man they choose, and leave him for any other, at pleasure. When one or more of these leave a man, and run to another, the one to whom they resort fires guns, and his lawful wives rejoice with him, because they regard it as adding importance to their husband, and relieving them from a portion of their labor. There appears to be a strong affection between parents and children, and brothers and sisters; but polygamy doubtless lessens the affection between husbands and wives. They are passionate, but cowardly; fond of war and hunting, but have little skill in either. When specially intrusted with property, they may be expected to be faithful; but if (in most cases) they can slyly steal, they will do it; and in case one of their number informs against the thief, it is the law that the informer should pay for the stolen property.

The Kroo women—especially those who are old and incapable of other labor—are constantly and industriously engaged in making salt by boiling down sea-water; and this is a principal article of trade with the interior tribes. The leading men of families have young men, (though these may be thirty or forty years old,) who are under their counsel and authority, as wards under guardians. These young men go abroad to different parts of the coast from Sierra Leone to Cape Coast, or even to Fernando

Po—each group of ten or a dozen choosing one as a leader, who makes engagements for them; and, after securing as much money for them as possible by labor from six months to two or three years, they return home, when the property thus acquired is distributed among the families of these young men, according to the discretion of the guardian, who is expected to buy a wife for each of these youths whenever he deems their labors sufficient to merit one. A man's importance among the Kroos depends much upon the number of his wives and bullocks—these being the chief property of the country.

The Presbyterian mission among the Kroos is about eight years old. It was commenced under the direction of the Presbyterian board of missions, by the Rev. O. R. Canfield, who died before the mission-house was finished. Mr. Canfield was succeeded by the Rev. R. W. Sawyer, who labored in the cause of the mission for two years. He then fell a victim to fever, when his widow conducted the affairs of the mission, assisted in its temporal matters by Doctor Day, for one year. She was then united in marriage to the Rev. James M. Connelly; and for the last five years they have continued their efforts in the mission.

In connexion with the mission there has always been a boarding-school, where children were fed, clothed, and taught gratuitously. For three years this school averaged about sixty scholars; and for the last five years it has been on the decline, having on an average about twenty-five. In this school there have been about three hundred children taught to read intelligibly, many to write, and all instructed in the doctrines of the Christian religion; a few have studied some of the sciences, and many more have only learned to spell, while some could only be kept in school to get a knowledge of the alphabet. Our first and last lesson to all these children has been to teach them their responsibility to God as the Creator of the world, the necessity of faith in His Son, our Redeemer, and of the influence of the Holy Spirit to regenerate the heart.

In connexion with the boarding-school we have kept up a Sabbath-school, and occasional night and day schools, at different places; and the Gospel has been constantly preached on the Sabbath. The children of the Kroos generally learn to read and write in the course of four or six months, and appear to acquire knowledge as readily as children in the United States.

The Kroo people (and the Africans generally, that we have observed) appear to have as good natural talents as other people. In regard to the influence of the mission, we are assured that it has exerted a powerful influence to restrain from vice, and cause those who cherished to seek to hide it; but we are not sure that any have become truly pious, though we trust the seed of Divine Truth, planted among the Kroos by this mission, will finally show great and beneficial results.

H.

Extracts from the report of the Select Committee of the House of Lords on the best means which Great Britain can adopt for the final extinction of the African slave trade: 1849.—From minutes of evidence before the committee.

Testimony of Captain H. J. Matson, R. N.—Speaking of health, has not the station, from various causes, recently been a much more healthy sta-

tion than it was, from the precautions that have been taken, and the orders that have been sent to the officers? Is there not less mortality upon that station than there used to be?

I think so; that may be attributed to two causes: partly the better regulations, and partly that the climate has certainly been more salubrious. I recollect lately reading an annual statement of the Church Missionary Society, and there they stated that, although in former years their missionaries died in great numbers, during the last seven years they have not to regret the loss of a single missionary. The measures which have been adopted on the coast of Africa have done a great deal of good; the regulations respecting prize crews are better than formerly; but the improved state of health, I think, cannot be entirely attributed to these measures, any more than may the health of the missionaries.

May the superior healthiness of the squadron of late years be attributed to the distance at which they have sailed from the coast?

No; two miles is as good as twenty.

May not a great deal of it be attributed to forbidding the men from going on shore, or sleeping in boats, or landing in rivers?

It is very prejudicial to health going up rivers, particularly if you remain for any length of time; but boat-service I see no objection to.

But going up the rivers is very injurious?

Generally speaking it is; but I have passed many days and nights in them, and my health did not suffer, neither did that of my crew.

And sleeping on shore?

Sleeping on shore is often fatal.

That is now absolutely prohibited?

Yes; it always was.

Are you able, from your knowledge of the coast, to tell the committee what, in your opinion, would be the effect of withdrawing the English squadron, first upon the slave trade?

I believe that not only Brazilians, but Englishmen themselves, would engage in the slave trade.

The committee are to understand that you think it would lead to a great increase of the slave trade?

I have no doubt in the world of it.

Can you tell the committee whether you think it would lead to a great deal more humanity in the treatment of slaves in the course of their passage?

I think it is very doubtful whether it would be more or less. They would be as crowded as they are now, and as they were before, but the mortality, I think, in Brazil, would increase. I think that if the slave trade were unrestricted, the life of a slave, in Brazil, would scarcely be worth a year's purchase.

You do not attribute the crowding of the vessels to the cruising of the squadron?

No.

Will you state to the committee why you do not?

I know that when the slave trade was legal, they crowded the vessels as much as they possibly could, and they employed a worse class of vessels than they do now; they were much longer making their passage; they employed very deep vessels, with very deep holds, and at the bottom of the hold was the principal slave-deck; round the sides of the vessel there

were generally two platforms that went all round the interior of the vessel. The air could only be admitted down the centre; it was a kind of three slave decks. Now, although they are still crowded as much as they can be, they have only one deck.

Is that because the vessels are smaller?

They are obliged to have vessels that sail better.

Testimony of R. Dawson, esq.—Has there been a great increase in the palm-oil trade since you have been on the coast of Africa?

There has; from 2,000 tons up to 20,000 in the article of palm oil.

At an early period of your acquaintance with the coast of Africa, did the slave trade flourish to a great extent in the Bonny?

To a very great extent.

Will you mention how many slave vessels you have seen there at the same time?

I have seen seventeen slave vessels in the Bonny at one time—some of them very large vessels.

In what year would that be?

I think it would be in 1830?

Can you tell the committee how many natives at that time traded in palm oil?

Not more than ten or twelve.

Can you tell how many dealt at that time in slaves?

I should say one hundred.

What is the state of the palm-oil trade now in the river Bonny?

It is the only trade that the natives have now in the Bonny.

Will you tell the committee whether those who were at that time slave-traders, are now engaged actively in the palm oil trade?

They are, without a single exception.

So that in the Bonny the palm-oil trade has been substituted for the slave trade?

Yes, it has.

Would that substitution have taken place if the slave trade had not been repressed by the English cruisers?

It would not.

What, in your judgment, would be the effect upon the trade if the cruisers were to be entirely withdrawn?

The slave trade would revive, to the detriment of the legitimate trade—in fact, almost to the exclusion of the legitimate trade, I should say.

From your knowledge of the coast of Africa and of the habits of the people, will you tell the committee whether you think that, by suppressing the slave trade in like manner at other posts, the legitimate trade might be gradually nourished?

I think so.

Testimony of J. Macqueen, esq.—Would not the withdrawal of the squadron tend to introduce a multitude of British adventurers with small capital into that trade?

Certainly, British and all other adventurers. If our squadron were withdrawn, it would be the signal for one of the most hideous scenes that it is possible to conceive. In reference to Africa, in reference to all our West India colonies in particular, and all our tropical possessions, I look upon it that it would be utter ruin, inasmuch as there would be no limits whatever to the exportation of Africans to Cuba, Brazil, and Porto Rico, as

slaves. The consequence would be, a vastly increased production of sugar, which would not merely destroy our old tropical colonies, but crush the rising energies of the cultivation of sugar and coffee in India. I look upon it as one of the most destructive things which could be done.

In spite of this great competition upon the coast, would not there still be left a very large profit for those who engaged in it?

A very large profit. They would purchase them so very cheaply, and carry them at no risk, that they could afford to sell them at half the price they sell them for now, obtaining very large profits, and that would give a prodigious impulse to the extension of sugar and coffee cultivation.

Putting out of sight that competition, do not the demoralized habits which attend the slave trade also prove fatal to any legal trade?

Decidedly; it produces the greatest possible immorality, and the greatest possible want of security; it paralyzes all energies of every description which are legitimate and honest; and it is quite impossible while it continues that you ever can extend civilization and instruction in Africa; and unless you can extend those things, and unless you can extend agriculture in Africa, you can never hope for any great extension of legitimate trade. Africa has always had trade; the trade she has now, to a certain extent, she has had for 3,000 years; but everything which is engaged in that trade, is for the purpose ultimately of buying men.

Is not Africa capable of producing to almost any amount the goods which would form a means of great legal traffic?

To an unbounded extent.

Can you state to the committee any facts which you have ascertained upon that point?

There is scarcely any tropical production known in the world that does not thrive to perfection in Africa. There are many productions which are peculiarly her own; her dye-stuffs and dye-woods are superior to any which are known in any other quarter of the world, inasmuch as they resist both acid and light—things which we know no other dye stuffs from any other part of the world can resist. Then there is the article of sugar; that can be produced in every part of Africa to an unlimited extent. There is cotton, also, above all things; there is no country in the world which can produce such an immense quantity of cotton of a quality so fine; it is finer cotton than any description of cotton we know of in the world; common cotton in Africa I have seen and had in my possession, which was equal to the finest quality of American cotton.

Is that the case with Egyptian cotton?

Egyptian cotton is not so good as the cotton away to the south; but the cotton produced in the southern parts of Africa and in other parts of Africa is peculiarly fine. Africa is a most extraordinary country. In the eastern horn of Africa, which you would think to be a desolate wilderness, there is the finest country and the finest climate that I know. I know of none in South America equal to the climate of the country in the northeastern horn of Africa; it is a very elevated country, and on the upper regions you have all the fruits and flowers and grain of Europe growing; and in the valleys you have the finest fruits of the torrid zone. The whole country is covered with myrrh and frankincense; it is covered with flocks and herds; it produces abundance of the finest grain. Near Brava, for example, on the river Webbe, you can purchase as much fine wheat for a dollar as will serve a man for a year. All kinds of Eu-

ropean grain thrive there. In Enavea and Kaffa the whole country is covered with coffee; it is the original country of the coffee; you can purchase an ass-load (200 pounds) of coffee in the berry for about a dollar; the greater portion of the coffee that we receive from Mocha is actually African coffee, produced in that part.

Is any inducement necessary to promote the cultivation of those valuable materials of foreign trade, beyond the certainty of a market, where it might be exchanged for our manufactures?

There is no obstacle whatever, except the disturbance which the slave trade everywhere creates.

Would not the same arbitrary power, which is now exercised in obtaining slaves, be just as easily used in compelling them to work, if that work should be found more profitable?

That has been my opinion always. It would be the simplest thing in the world to show and to convince those African chiefs that it would be more for their interest to cultivate the soil, and sell their produce, than to sell their people. A remarkable instance of that took place with the great chief of Bornou, to whom Clapperton and Denham went on an embassy from this country; he readily agreed to abolish the slave trade, and he did so after they left the country; but we neglected altogether taking any advantage of his good disposition, and therefore the evil was continued. But only within these last three years our consul or vice-consul at Mourzouk wrote a very important letter to Lord Aberdeen, to solicit him, if possible, to get a communication opened with Bornou, to support the sheik in his endeavors to put an end to the slave trade. I had a great deal of conversation with Lord Aberdeen upon this very point; and if the committee will refer to the map, they will see the importance of it. I pointed out to his Lordship that, with the greatest ease in the world, by means of steam navigation, within three days or four days, you could reach the territory of the chief of Bornou, and, with that communication, you might avail yourself of the efforts of a most intelligent man to forward our objects—a man in the interior of Africa, something like what Mehemet Ali was in Egypt.

Is not a trading disposition found to prevail in all the African States?

Everywhere; they are all much given to trade; but, unfortunately, the trade in which they embark is principally and ultimately with the view of carrying on the slave trade.

Can this disposition be gratified now, except through the medium of the slave trade?

It is impossible; I look upon it as impossible, because they have no security. If a man plants his field and cultivates a piece of ground, he does not know that he can reap it; he may be swept away by some barbarous inroad or other arising from their slave-hunts.

If conveyance could be provided to the interior, have you any doubt that manufactures could be exchanged for native produce to any extent?

To a very great extent, indeed; and, with the assistance and support of such a chief as I have mentioned, who rules over a country much larger than France, you have a nucleus in the very heart of Africa for putting an end to the slave trade; and *from* thence it would spread rapidly to all the countries around.

Will you mention the kinds of produce with which we might be supplied?

There are immense numbers of them; there are large descriptions of

dye-stuffs, cotton, sugar, coffee, and a great number of valuable descriptions of timber; there is a great deal of very fine copper and a great quantity of fine iron to be found in various parts of Africa, and in some parts gold is very abundant; there are oils, also, and gums, and Indian corn in abundance.

If such a system of trade should be introduced and firmly established, what would be its effects upon the foreign slave trade?

It would destroy it altogether. Suppose you got the chief of Bornou to abolish the slave trade: you would cut off not only the slave trade which comes down to the coast, but the hideous slave trade which is carried on across the Great Desert. It would be impossible for the Arab trade across the Great Desert to carry goods to Bornou, or anywhere in the interior of Africa, to come in competition with the goods carried from the seacoast and up the river Niger.

Would it not take a very long course of time to produce those happy results which you have been describing to the committee as arising out of the great capability of Africa for trade in these productions of every kind?

Not near so long as might be imagined. The elements are all there; they only require to be brought into activity; all they require is security; it would go on with a rapidity which would be perfectly astonishing. Many chiefs, I find, in many parts of Africa (for I have tolerably good information throughout the whole of it) are inclined to extend cultivation and commerce, if they had only the means and adequate security afforded them.

Can you state to the committee any probable approximation to what is the value of the present export trade to Africa?

It is difficult to reach that exactly; our exports to the whole of the west coast in 1847 were £518,000; that was to every part in western Africa, except the Cape of Good Hope.

Is that the declared value, or the real value?

The declared value; the public tables do not separate the different countries in giving our imports, which is a great defect. You are obliged to go through the whole of the different colonies in order to ascertain that; and it is always several years before you can get them brought forward. There is, for instance, a very large import from Africa, of which we never see anything in our official returns, which is gold-dust. What the amount is now, I cannot say exactly; but I have very little doubt, from all that I know, that it is equal to what it was one hundred and fifty years ago, when it amounted, among the different European nations, to £217,000 sterling a year; I dare say it is equal to that now.

You can form no approximation to the probable amount of the exporting trade of Africa?

The palm oil imported into this country the year before the last was 360,000 cwt., which is 18,000 tons. There is a great deal of teak timber, also, imported into this country, and ground-nuts. There is some coffee now from Sierra Leone; the cultivation of that seems to be increasing there of late. There is one thing which I may mention now, while I am upon this subject, which is of great importance: Our African possessions have lagged far behind in improvement; but it was impossible that it could be otherwise; when all their productions were subject to the high foreign duties. It is very extraordinary that our possessions on the west coast of Africa should all have been charged with foreign duties till the bill of the other year came into operation.

You stated to the committee that the main hindrance to the growth of such a legitimate trade as you have referred to was the slave trade?.

Certainly.

Testimony of Captain John Adams, R. N.—Are you able to state to the committee, from your own observation, with any accuracy, how many ships, in your opinion, it would be necessary to have to prevent the slave trade upon the western coast of Africa?

I think the calculation we made before Dr. Lushington would be quite sufficient to stop the slave trade, or to give it such a check as it has not yet received; that number was thirty-seven.

For what extent of coast might a ship and her boats so effectually blockade the coast?

I should think between thirty and forty miles.

Do you think any advantage would be derived from supplying the larger ships' boats with a small steam-power?

I have no doubt of it; half of my time was lost by being obliged to beat against the current to relieve the boats; our men, also, were very often seized with fever, and were laid up after a long chase.

In distributing those thirty-seven vessels, which you spoke of as having been recommended to Dr. Lushington as the requisite force upon the coast, how many of them would you place below the line?

I think that must be managed according to information as to the way in which the slave trade shifts about.

What proportion of steamers would you have out of the thirty-seven vessels?

I would have two-thirds steamers.

Of what size would you have the steamers?

I would have the steamers to mount not more than one long gun on a pivot; a vessel with one gun would do just as much as a vessel with ten guns would do. I would have two divisional large vessels out there, and no more.

Testimony of Commander E. Fishbourne, R. N.—Will you state to the committee, from your own experience on the coast, how many miles of coast you think a sailing vessel, well found in boats, might effectually watch?

That would depend upon the coast entirely. Sometimes it would require one to every thirty miles; sometimes, again, on the other hand, one hundred miles, or one hundred and fifty or two hundred miles, might be watched; that arises from the circumstance that the beach, in many instances, is such that they cannot embark, except in one place, in the whole two hundred miles.

Taking the line of the coast, as far as you know it, have you considered what number of ships would be necessary to watch it?

I think, taking all things into consideration, the present number, if they were allowed to have tenders, and if all the means for increasing their efficiency were adopted which could be, even without any increase of expense, might effect it.

Will you name to the committee the points in which the squadron could be made more efficient without increasing its expense?

By decreasing the size of the steam vessels; by employing auxiliary screw vessels instead of paddle-wheel vessels. A paddle-wheel vessel is not an efficient vessel on the coast, except when she is under steam; they

are bad cruisers as sailing vessels, and the time that they are under steam is necessarily very limited; it is only occasionally that steam is absolutely requisite. To take a comparative estimate of the expense: the first cost of the steamers which are used on the coast now is from £50 to £66 a ton; they are large in tonnage; I should suppose the average may be 900 tons. The vessels which I would propose might be had at first cost for £23 a ton, with auxiliary screws; and they would be good sailing vessels and good steam vessels; they would be about 600 tons, and the difference of expense would be enormous. The average tonnage of the six steamers that have been employed on the coast is about 900 tons, and the cost about £60 per ton— $900 \times 60 = £324,000$, first cost. The tonnage of those I propose would be 600, and their cost per ton £23— $600 \times 23 = £82,800$, first cost. The annual cost of the wear and tear on these would be, in same ratio, about that of their cost; average horse-power of those hitherto employed was 300; consumption of coals, about 30 cwt. per hour; the coals at Kabenda cost £2 10s.; expense of which for (say) sixty days' steaming, and the year, would be $90 \times 6 \times 60 = £32,400$. The average horse power of those I propose 80, and the expense of coals 10 cwt. per hour— $30 \times 6 \times 60 = £10,800$. And these six auxiliaries would be equal to nine paddle-steamers, as I have no doubt but that a builder would be found that would guaranty equal, if not greater speed, under sail, than that of the present sailing vessels, (cruisers.) The number of men employed in these would be less. The commodore's steamer costs for coals alone about £150 a day; the screw vessels would cost about £25 a day. In point of efficiency as cruisers I should estimate two screw vessels to be worth at least three of the other steamers. They have now sent the Rattler there. To give an illustration of the comparative value, the Grappler, being a paddle wheel steamer, could not keep her station under sail in the Bights, owing to the current, but was obliged to anchor; had she been a good sailing vessel she would have kept her station without any expense of coals.

You mentioned the importance of establishing a British factory at Lagos; do you think there would be any difficulty in the British government establishing such factories as that at Cape Coast castle upon many points of the coast the most infested with the slave trade?

The Portuguese territory is the most infested of any; and, of course, there it is impossible. Putting that part out of the question, I should think certainly not; or, if you could encourage Liberia to extend their territory, it might be beneficial.

Your impression as to the efficiency of the check given by the republic of Liberia is strong?

Yes; I think so, certainly; they have not, of course, sufficient power; and they have lately applied for, and our government have given them, a colonial vessel. I think if they had further countenance they would extend, as they have every desire to extend, their territory; and it would be very valuable.

Testimony of Captain H. D. Trotter, R. N.—Are you prepared to suggest any modification of the system?

I may mention to your Lordships, that when I was examined with other naval officers before the Duc de Broglie and Dr. Lushington, in 1845, those who gave their evidence were requested to give their united opinion as to the number of vessels which would be necessary; and as the opinions formed by officers who met together day after day to consider

this special subject must be more satisfactory than any individual opinion of mine, I should wish to hand in to your Lordships this document, which we at that time agreed upon. The officers examined, besides myself, were Captain Denham, Captain Butterfield, Captain Adams, and Commander Sprigg. Our opinion was expressed as follows: "In accordance with the request of the Right Honorable S. Lushington, D. C. L., we, the British naval officers, Captains Trotter, Denham, Butterfield, and Adams, and Commander Sprigg, who have been examined before the Duc de Broglie and Dr. Lushington, have consulted together, and we are of opinion, that on the west coast of Africa it would require thirty-seven sail of vessels, eleven small steamers and twenty-six sailing vessels." I would here remark, that we have only had about twenty two cruisers employed since that period. If I had had the selection of vessels for that coast, I should very much have preferred (especially taking into consideration the expense) a much smaller class of vessel. It seems natural that in order to seize slave vessels, a similar kind of vessel to those they use ought to be employed, and I think that the thirty-seven small vessels which we contemplated being used might have been employed at no more expense than the twenty-two vessels since employed.

Do those thirty-seven vessels include the French vessels?

No; this was quite independent of the French squadron. We thought that thirty-seven vessels would be sufficient on the west coast without a French squadron. We then went on to say, "On the east coast of Africa and Madagascar, eighteen sail of vessels, six large steamers and twelve sailing vessels, making a total of fifty-five vessels" on the two coasts. "In this estimate we have supposed that the system will be adopted of constantly watching the slave depôts, and that the cruisers are invested with the general rights of search on the coast of Africa." It appears to me that Sir Charles Hotham's system has not been a system of watching the depôts, which we had especially in view in offering this opinion. I may mention that, in the year 1845, Lord Aberdeen's reversal of the order with regard to destroying the goods in the barracoons had its influence in leading us to specify so great a number of vessels; but it strikes me that to do the thing effectually, thirty seven would not be too many, even now that the order appears to be again in force; but a large proportion of the vessels employed (steamers as well as sailing vessels) might be of a small size, with an auxiliary screw; and if the whole squadron had the auxiliary screw, so much the better.

That opinion, so given, was the result of a careful consideration of the subject, and mutual converse by several officers well acquainted practically with the facts of the case?

Yes, it was quite so with respect to the west coast. With regard to the east coast, we were obliged to rely upon the opinion of one officer only, he only having served upon that coast. Captain Wyville, however, who has much more recently served on the coast, and may, therefore, be a better judge of what is now required, says that a much smaller number of vessels would be sufficient to repress the slave trade on the east coast. He speaks very confidently on this subject in his evidence before the committee of the House of Commons.

The thirty-seven vessels were intended for the west coast?

Yes.

And nothing that has since happened, has altered your own impression as to the probability of the success of such an armament?

Nothing whatever, more particularly since Sir Charles Hotham's late transactions at the Gallinas; for it is this which induces me to believe that if the order for burning slave factories has not been renewed in its original form, a similar one, at least, must have been issued.

Are you aware that the meaning put upon Lord Aberdeen's letter was not at all that which was intended to be put upon it?

So I have understood.

Are the committee to understand that your view of the subject is, that the squadron should act strictly as a preventive force, affording, by the check which it gives to the slave trade, an opportunity for leading the native Africans to turn their attention to agriculture and production, instead of the exportation of men?

I think that a strict blockade of the coast would have that tendency; it has had it already in the Bight of Biafra and other parts.

You would not conceive that it would be necessary to look forward to always maintaining such a squadron, because the up growth of a more legitimate trade will, in your judgment, take the place of the slave trade?

Yes; I think we shall be able gradually to diminish the force.

In carrying out that object, you would expect to derive large assistance from the establishment of factories on different parts of the coast?

Yes; I think the establishment of factories is very desirable, protected, if necessary, by small forts.

And to that you would add, if possible, the establishment of model farms, maintained by Africans from the West India islands?

That is a most desirable thing, particularly as there appears to be a great desire on the part of the Africans, both at Sierra Leone and in some parts of the West Indies - at Barbadoes, for instance—to colonize parts of the coast and the interior. Such a model farm is soon likely to be in operation at Abbeokuta, in the Yomba country, 56 miles inland from Badagry, (a town of at least 50,000 inhabitants) where, within the last nine years, about 3,000 liberated Africans of the Yomba nation have found their way, having gone from Sierra Leone at their own expense, in condemned slave vessels which they bought for the purpose. A great proportion of these people are Christians and members of the Church Missionary Society, and they now wish to the Gospel to add the plough; in which object they are to receive some pecuniary assistance from a society called the African Native Committee. It is of great importance that the slave trade should be thoroughly repressed in the neighborhood of Badagry and Lagos, the seaports of Abbeokuta, in order that this offshoot of Sierra Leone may have a fair chance of extending the benefits of civilization to the neighboring parts of Africa. The land is said to be very fertile, and the chiefs highly favorable to the new settlers, who appear to be firmly re-established in their own country. In writing lately to the Rev. Mr. Townsend, one of the Abbeokuta missionaries, I asked him why he expected civilization to extend more quickly in the neighborhood of Abbeokuta than in the vicinity of Sierra Leone. He replied as follows: "My reasons for expecting great results from Abbeokuta, are—1st. The readiness with which they (the Yombas) have received the truth from us, both in Sierra Leone and in Abbeokuta; 2d. The greater amount of intelligence and civilization possessed by the Yombas and their neighbors over the inhabitants of the countries adjacent to Sierra Leone; 3d. The absence of immediate intercourse between the Yombas and the white slave-dealers.

"Should the slave trade be destroyed, one great cause of moral de-

basement will be removed. Wherever the slave trade has exercised any influence, the removal of this traffic will be the removal of a great hindrance to every good influence; and Sierra Leone would feel the good resulting from it in her trade with the surrounding countries. The influence of Sierra Leone, however, is more felt in Abbeokuta than in countries adjacent, as far as moral influence is concerned, and therefore we cannot draw a comparison between them. What good has been done in Abbeokuta, has been in a very great measure the result of the influence of Sierra Leone; and the extension of the Abbeokuta mission would not be accomplished without Sierra Leone influence. I should say, therefore, that we cannot draw any comparison between the places, seeing that the good done at Abbeokuta has resulted, under God, from the influence of Sierra Leone.

“As the tribes around Abbeokuta are far more intelligent and civilized than those around Sierra Leone, I do not expect religion and civilization to spread more rapidly in the former than in the latter place. One prominent feature in the disposition of the people around Sierra Leone is this—to follow implicitly the customs of their fathers. They defend their evil customs by saying, ‘Our fathers did so, and we, their children, cannot but follow their example.’ This disposition is far less prominent in the Yomba country, and in its place is observable a desire to imitate those who excel them.”

I trust that the slave trade may be speedily eradicated from the Bight of Benin—that “the Gospel and the plough” may have, so to speak, a fair chance of spreading Christianity and civilization through that part of Africa. The slave trade in the Bight of Benin still exists; but a force of five or six cruisers would effectually suppress it. There is no slave trade further to the eastward than thirty miles to the east of Lagos.

Is there any other suggestion upon the subject which you would make to the committee?

I think the blockade ought to be a very constant one; therefore, it might be well to have two or three additional depots of coals, and also of provisions. There is only one depot of coals at present on the coast to the south of the line. I think it would be well to take into consideration the propriety of having more depots, in order to prevent as much as possible the vessels leaving their cruising ground; or transports might perhaps be advantageously employed to run down the coast with supplies. The transports might also be useful in taking to St. Helena any slaves which the cruisers may have seized in the open launches which are so often met with on the south coast. By means of these transports, also, the men-of-war might receive their letters from England more frequently—a matter of great importance. I may mention the suggestion so often made—that of substituting tonnage-money for head-money; and, in order to encourage the capture of empty vessels, I would deduct from the tonnage-money of the full ones so much for each slave found on board. I would recommend a general increase of pay throughout the African squadron, with a small tonnage money in addition to those who make captures. The prospect of promotion, also, ought to be held out to both officers and men for service on the coast, as it is on the coast-guard service at home, but to a greater extent. The commodore ought to have a tender, (with auxiliary screw,) to enable him to visit the different parts of the station, and not to be tied down to his proper ship—particularly if that ship be employed to supply provisions to the smaller vessels. With

regard to the system of watching the coast before alluded to, I wish it to be understood that I had in view Captain Denman's well-known "memorandum." I did not mean that the cruisers should be anchored off the coast, but that those parts of the coast where the slave trade is likely to be carried on should be so watched by our vessels that the general character of the system would be that of an in-shore squadron, from one to three miles off-shore, (or further, when off the bars of rivers,) anchoring or under sail, as most expedient. This would probably be found as healthy as the plan of keeping the vessels at a greater distance from the coast. If the captains and crews of slave vessels could be effectually punished, I need not say how materially it would deter others from engaging in the trade. Hard labor would be a most appropriate and effective punishment. There would soon be an end to the slave trade if Brazil and Spain and Portugal would allow us to inflict some such summary punishment upon their subjects.

Supposing tenders were given to the cruisers; would that diminish the necessity of keeping up so large a force of cruisers as you have mentioned?

I think the system of tenders is a most desirable one. I think that most of the vessels which are employed on the coast now are unnecessarily large, both sailing vessels and steamers.

The question refers to tenders to the different cruisers. Could not you, then, do with fewer than thirty-seven vessels?

If tenders were employed, thirty seven vessels would not be required; and tenders are very easily obtained on the coast—many of the slave vessels being admirably adapted for the purpose—and they could be bought very cheap.

And they might be manned in a great measure by the Kroomen, instead of adding to the number of British seamen?

In a great measure they might be.

Have you any further suggestions which you wish to make to the committee?

I have a letter which I received from the Rev. Hope Waddell just before he sailed the other day. He is a gentleman who has been a missionary in the old Calabar river for several years. It is an answer to two questions which I asked him. "The two questions you ask I would answer as follows: If the cruisers were withdrawn, I have no doubt the slave trade would revive all along the Guinea coast, from which it has, to a great extent, been driven. From Benin it would instantly extend to Bonny, and from Bonny to Calabar. Our treaty with Calabar might for a time check it. The presence of the missionaries might in some degree check it; but I fear that, in spite of both, it would revive. I would not say that the cruisers are the most effectual means that could be employed. Other more effectual means might be used; still the support of an armed force might for some time longer be required, till the other means had begun to take effect. Either the Africans themselves must be induced to abandon it, or the coast must be taken from them and colonized by free blacks from America, under the protection of Britain." I think Mr. Waddell is under a mistake which many fall into in talking of the squadron as a means of civilizing Africa. I always think myself that the squadron ought to be considered in this light—that it is only by the squadron that you are enabled to do anything towards the civilization of Africa. If the squadron is taken away, I believe the legal trade will decline, and the civilization of Africa will be retarded to an indefinite period.

Another part of Mr. Waddell's letter is this: "There is not a sufficient number of free blacks in Africa to be depended on for supplying the alleged wants of the West Indies; and the few who exist would not go for a longer term than a year of their own accord, though their return should be guaranteed. The Kroomen are not, I believe, willing to engage for a longer term, as a general rule. At Calabar there are no free people who would work well anywhere, and they are determined against leaving their own country. But I may mention that King Eyo says that he has so many bad slaves that he would gladly get rid of, that he would give a shipful to any person for nothing. He has no means of expatriating offenders now, and is tired, he says, of flogging and killing them. I have not heard of any slaves being shipped at Calabar since the treaty was made with that country, in 1841, against the trade—that is, no foreign slave trade has been carried on there; but the Calabar people still purchase slaves in the markets of the interior for their own farming, domestic, and superstitious purposes," &c.

What does the writer mean by superstitious purposes?

Frequently at the death of a chief they sacrifice as many as one hundred individuals. It is one of the most degraded places in all Africa in this respect.

Testimony of Captain the Hon. J. Denman.—In your opinion, if we abandoned our present attempt, we should render the slave trade, in fact, perpetual?

Yes; and with respect to that, I should wish to observe, that at the present statement of the price of slaves in Brazil, and the number imported, £3,600,000 is spent in the purchase of slaves. Supposing you throw the slave trade open; the very highest price of slaves then would be half the present amount, or £25 a head. I think it is obvious that the same sum at least would be expended in slaves; and, therefore, the demand would be at once doubled.

You destroyed the slave factories in the Gallinas in 1840?

I did.

How far do you concur, from what you yourself then witnessed, in the statement that such measures had either no effect in diminishing the slave trade, or that the effect it had was quite counterbalanced by the injurious effect in other respects?

I am of opinion that the effects are entirely advantageous, and that it is the severest blow which we can strike at the slave trade, because it goes at once to the root of the evil. Those depots which are indispensable to the slave trade under the present treaties contain goods of immense value, and at once you cut off all chances of the return of the capital thus invested.

Can you give the committee any grounds for believing that there has been much error in the opinions commonly entertained upon certain points, which have been also strongly pressed upon them in the evidence? One of those points is, that the slave trade is now as extensive as ever.

I have already stated Sir Charles Macarthy's account of the exports from two single rivers, which will certainly show that those two rivers alone exported formerly upwards of 50,000 slaves a year. Here is another despatch in the year 1821, showing that from other parts of the coast, in periods of six and four months, 21,000 slaves were exported; those are both north of the equator. At this time the slave trade in the Bight of Benin and at Gallinas was far larger than it has been of late years. A

great number of other points also existed within those limits. Besides those, there was a large slave trade south of the line, of which we observed nothing in those days, because we could not touch a slave vessel in south latitude, and by which Brazil was entirely supplied. We may suppose, at the most moderate computation, that the number amounted to 40,000 a year; and here is Captain Owen's statement, he at that time being employed on the east coast of Africa, that two ports alone upon that coast exported 25,000 slaves. It is impossible to believe that the whole slave trade amounted to less than 150,000 a year.

You would therefore convey to the committee your strong impression, founded upon those documents, that the amount of the slave trade has been greatly diminished by the British squadron?

Very greatly diminished, though complete suppression has not been at all effected. Had it been left to itself, instead of being now about one-third of what it was in 1821, it would have been at least double that amount. Another objection urged is, that the measures adopted by England have greatly increased the horrors and the mortality of the slave trade. Will you state to the committee your impression upon that point?

The committee may be satisfied, by referring to the returns of the mixed commission courts of the vessels captured, that the aggregate mortality of all the vessels captured within the last ten years will show a mortality of less than 10 per cent. The mortality is always greater after we have captured them than it would be upon the passage across; and I take the mortality of the present slave trade to be generally far under ten per cent., and therefore even lower than it was under the legalized slave trade of Great Britain. To establish this fact, I will quote a statement which appears in the evidence published this year by the House of Commons committee, page 3. The commissioners at Sierra Leone state that in the year 1848, out of 5,691 slaves captured, between the period of their capture and the decree of their emancipation 337 died; that is rather under 6 per cent. But not only do they state such to be the mortality, but they call it "this dreadful mortality," and proceed to account for it as an uncommon and unusual amount of deaths; and, in order to explain it, they mention a special case which swelled the mortality to this unusual amount. The deaths in this especial case were only 14 per cent. on her cargo of slaves; and yet the committee of the House of Commons made a report, at the end of the last session, that since the year 1817, when our treaties came into force, the average mortality suddenly sprung up from 14 per cent. to 25 per cent. With respect to that, I should wish to observe, that, from the year 1817 till the year 1827, we never had more than five or six cruisers on the coast of Africa employed against the slave trade; and to suppose that, upon a slave trade amounting to at least 150,000, those five or six vessels could suddenly produce such a result, is the most absurd thing that ever was gravely stated.

Another statement which has been made is, that the effect of the British cruisers has been to cause a greater number to be carried in vessels, and so to produce a greater crowding. How far do you think that is borne out by the fact?

I am convinced that a competition would cause exactly the same result as that which is now imputed to the English squadron. With regard to the crowding, I am satisfied that the mortality is far less than it was at the time of our own slave trade; because in the time of our own slave trade, vessels were built not for fast sailing, but for carrying; they had

three or four tiers of decks; they were much longer upon the passage, and, from the tiers of decks, the ventilation was not half so good.

Another statement is, that it has led to the use of unseaworthy vessels, and so has caused more suffering among the Africans. Will you state to the committee whether with that statement you concur?

In the year 1834, as I before mentioned to the committee, I was placed in charge of the first Brazilian slave-ship which was ever captured; till about that time we had had no capture at all. I never in my life saw a vessel in such a state of destitution—such a mere wreck upon the waters; she had no cable on board, every mast was sprung, every rope was rotten, every sail in holes, and she was fitted out for the voyage with rope which had been condemned as paper stuff. We were nearly losing her before we were a day out of Rio; one pump was choked, and remained useless all the voyage; the other broke, but we managed to repair it; and at one time, the night we left Rio, she had six feet water in the hold. I take the condition of this vessel to be a fact utterly oversetting the statement that we have caused them to adopt bad vessels by our interference; the result has been exactly the reverse.

Letter of Commissary Judge James Hook to Lord Palmerston, December, 1848.

The Rio Pongas may now be considered to be the sole mart for the slave trade to the northward of Sierra Leone. I have only heard of two slavers having escaped with slaves on board from the Rio Pongas during the year 1848, and I believe they were both owned by Spaniards.

I have the pleasure to report to your Lordship that, by order of the French government, all the slaves in Senegal and Moree have been emancipated. This highly interesting event cannot fail to produce important effects upon the natives of the neighboring kingdoms, and to convince them that Great Britain and France are determined not only to suppress the slave trade, but also slavery itself, in every part of their dominions.

Already agriculture, upon a most extensive scale, is in progress among the natives living between this place and Gambia; rice and ground-nuts are the chief articles cultivated. The ground-nut trade has for several years past formed a highly important and valuable branch of export trade. The demand for ground-nuts, from France, Hamburgh, and America, far exceeds the supply. I earnestly hope that the spirit of agriculture and commerce now happily manifesting itself among the natives is the sure dawn of brighter days for benighted Africa.

With the only exception of the Rio Pongas, I consider that we have now no export slave trade between Cape Blanco and Sierra Leone, a distance of coast of upwards of 600 miles.

Before concluding my report, I beg respectfully to make a few remarks on the suggestions promulgated by certain parties in reference to the withdrawal of the British squadron on this coast for the suppression of the slave trade.

For more than 30 years I have taken a lively interest in the cause of abolition; and my present position in her Majesty's service, together with a residence of many years in Africa, enable me to state, for your

Lordship's information, an opinion gained by actual experience and observation upon the present progress of the cause of the abolition of the slave trade, which, I humbly trust, may induce some of those who entertain the mistaken views of advocating the withdrawal of the squadron to pause ere they sanction a measure so utterly ruinous to millions of the human family.

It is my firm belief that in nine or twelve months after the withdrawal of our squadron, the whole of western Africa, from Cape Verde to Benguela, would present a scene of cruelty and devastation too fearful to contemplate. All the progress of Christianity, civilization, and commerce would be annihilated; in a word, western Africa would, in the course of a year or two, be rolled back to its worst pristine savage condition. The coast would become the resort of the most degraded renegades and pirates of Brazil and other nations.

If our merchants entertain a hope that the trade of palm oil, gold, ivory, ground-nuts, hides, wax, &c., will continue to exist after the withdrawal of our squadron, I fear that they will be wofully disappointed. The thousands of palm oil carriers and agricultural laborers would instantly be kidnapped and carried on board slave vessels. After a time, the remaining natives would avoid the coast as they would the locality of a plague.

In my humble opinion, this dreaded calamity can only be evaded by a strong treaty with Brazil, similar to or more stringent than that with Spain. Your Lordship has, doubtless, noticed the excellent effect of the penal law of Spain, dated the 2d March, 1845, upon the Spanish slave traders; since its promulgation, upwards of two years ago, we have only had one vessel under Spanish colors brought before the mixed courts of Sierra Leone.

I would also venture to remark, that hardly any squadron, however vigilant—and none could be more so than the present—would alone effect the total abolition of the slave trade on this coast, unless it be supported by a zealous, honest co-operation of the Brazilian and Spanish governments.

In my opinion, the concluding part of this great undertaking can only be brought to a successful termination by applying gentler means and strict enforcement of treaties before the squadron is withdrawn from this coast.

I have, &c.,

JAMES HOOK.

Letter of Captain Henry Dundas Trotter, to the Right Reverend the Lord Bishop of Oxford.

GREAT MALVERN, July 17, 1849.

MY DEAR LORD: I beg to enclose a letter upon the slave-trade and preventive squadron, by the Rev. H. Townsend, who has resided a long time in Africa as a missionary of the Church Missionary Society, which I hope the committee will allow to be printed with the appendix to the evidence.

In forwarding this letter, I would beg to offer a few general observations on the same subject.

The more I consider the present position of the slave trade, and the

means at command for putting it down, the more hope I have of seeing this great object speedily accomplished. Many circumstances justify this expectation. Portugal, which has never hitherto acted in good earnest with us, by all accounts, feels it at length to be her interest to abolish the slave trade in her colonies in Africa. Her honest co-operation to the south of the line would aid us materially in suppressing it there, whilst her example to the north of the line, at Bissão, (north of Sierra Leone,) in the promotion of agriculture and commerce, and the example of the French at Goree and Senegal in liberating all their slaves, has already had a most beneficial effect on the neighboring native tribes; in fact, excepting at the river Pongas, where the slave trade is still occasionally carried on upon a small scale, the traffic has ceased to exist everywhere to the northward of Sierra Leone, where in future one or two vessels of war at the most will be sufficient to keep it down.

I beg to refer your lordship to the enclosed extracts from the letter of Mr. Judge Hook, at Sierra Leone, and of Mr. Consul Rendall, addressed to Lord Palmerston, dated in December, 1848.

Again: the effect of the late destruction of the barracoons and slave-trade goods at the Gallinas has put an end to the slave trade to the south of Sierra Leone as far as the Bight of Benin, though it may for a considerable time be requisite to station six or seven vessels on that part of the coast to keep it suppressed. The Bight of Benin, therefore, may be said to be almost the only spot north of the equator where the slave trade has not been suppressed. It is believed that six or seven vessels will accomplish this—keeping two vessels, also, in the Bight of Biafra, as far as the equator, to prevent its rise there.

While the slave trade has thus been checked in north latitude, commerce is increasing almost everywhere, accompanied, in many places, by successful missionary operations—the great moral antidote to the tyranny and barbarity of the slave trade.

The increasing prosperity of the newly-recognised republic of Liberia is also favorable to our cause; and the desire of the blacks at Barbadoes to colonize the coast and the interior, under British rule, is also very encouraging. The Barbadoes African Colonization Society, in their late address to the select committee of the House of Commons, express their conviction *that it was in the design of the Almighty governor of the universe in permitting the great wrong, (of carrying away their forefathers from Africa,) that their descendants, reared in the circle of civilization, and acquiring a practical knowledge of its usages and arts, and of the truths of the gospel, should in due time be his efficient instruments in the regeneration of their fatherland; and they conclude by saying that, should they obtain the patronage and support of philanthropic friends in the mother country, and of their brethren and others in the West Indies, they would soon be able, under God's blessing, with the plentiful materials around them, to establish a colony on the coast that would, probably, be but the beginning of a series of similar settlements immediately productive of considerable advantages to British manufactures and to commerce generally, and tending eventually to the regeneration of their fatherland and the glory of God.*

The following interesting letter from Abbeokuta is also highly interesting and encouraging:

“A noble prize has lately been taken by the ships of war—a cargo or cargoes of slaves, said to be above twelve hundred, shipped from Lagos—

the effect of which is felt through Abbeokuta; a thing we never witnessed before.

"A number of slaves were taken down to Lagos market a few days ago by the traders of this place, bought from the interior at the rate of fifty or sixty dollars each slave, with the prospect of selling them at a good profit. On their arrival at the market, however, the Portuguese could disguise their enormous loss no longer, but plainly told the people that they could give no more than thirty dollars for each slave, as they had suffered the loss of all they lately shipped. The consequence was, the people returned to Abbeokuta with all their slaves, very much discouraged in the trade. I have got this information from three independent persons, who are themselves traders in slaves. The prayer of a great number of the inhabitants of this place is, that Lagos may be destroyed, and the Portuguese driven away, that the temptation held out to them in the slave trade may be removed; but I pray, rather, that legitimate trade may be introduced at Lagos by the English, and that the water communication may be made accessible to all. In the mean time I hope the force of the cruisers will not relax, lest the beneficial effects of checking the slave trade in this port, which is now begun to be felt by thousands in the interior, die away, and prove no lasting good to the cause of slavery."

If, under these many promising circumstances, the system of an in-shore squadron, so strongly recommended by Captain Denman and other experienced officers, be adopted and carried out with the zeal and energy with which Sir Charles Hotham so conspicuously but unsuccessfully, as he himself admits, carried out a different system, there cannot be a doubt that the slave trade will practically be at an end on the west coast within a very short period. And Commodore Wyvill, on the Cape of Good Hope station, in his evidence before the House of Commons committee last year, spoke as confidently regarding the suppression on the east coast.

It is a very common argument against the keeping up of the African squadron, that it matters little whether we keep our vessels near the shore or at a distance; that we have never been able to guard our own coast against the smugglers, and why should we expect other results abroad? But the fact is, there is no analogy between the two cases—between *watches* ranged along the line of *import*, with power to seize contrabandists and their goods as they approach the coast, and a force stationed off the place of *export*, empowered to seize the offenders on their leaving, as well as on their approaching, the coast. As well might we compare the conventional illegality of the one with the essential wickedness of the other. I am glad to be borne out by Sir Charles Hotham in the opinion, so contrary to the general impression by those ignorant of the subject in this country, that the horrors of the middle passage are not increased by the proceedings of our preventive squadron. But the following testimony from Mr. Consul Rendall is still more valuable, as he has not only had experience of the trade at the present time, but was an eye-witness of it formerly. In his letter to Lord Palmerston, dated last December, he states as follows:

"I regret to be obliged to admit, to the fullest extent, the sufferings endured by the slave in the middle passage. This evil has, unfortunately, existed too long, and been narrated too often, to be at this date doubted. It is, however, a great mistake to ascribe all the existing misery to the system

pursued by the English squadron to put down the export traffic. Did not the same evils exist, the same loss of life, the same crowding of the hold, the same scanty supply of provisions and water, the same amount of sickness, filth, and stench, in the slave ships of Spain and Portugal (which includes Brazil) at the period when they were quietly carrying on the slave trade without any annoyance from the British cruisers, and keeping their dealings within the limits of treaties? Most certainly it was the case, and the facts can be proved by a reference to the records describing the state of the first prize slave vessels brought into Sierra Leone belonging to those nations. I was an eye-witness to such scenes in the early stages of the abolition, and had plenty of opportunities of observing the state in which these vessels were always found, and can therefore speak to the facts I have stated. The same miseries, therefore, having existed during a period of legitimate trade, it is not surprising that the same evils should accompany the same trade when carried on under a system of contraband.

"To elucidate, however, the question further, I will suppose that the miseries of the middle passage were the natural consequence of the English squadron's measures, and therefore it was deemed necessary to relax some of the existing regulations, to admit a free exportation of the African, under the impression that by so doing, matters during the passage would be improved thereby. To do so, however, would be committing a sad mistake, because, in such a case, 100 slaves would be then shipped where only one now takes place; consequently, 99 more per cent. of misery would be added in marching to the coast, and in the kidnapping and warfare which always prevail upon an increased demand for slaves, and which, when summed up, from cruelties, from starvation, from thirst, and from fatigue, would amount to far beyond anything that now exists in the middle passage.

"To charge the acts of the British squadron with the miseries existing in the middle passage, because, forsooth, the traffic is contraband, is incorrect, the same evils having existed, almost to the same extent, when the slave trade was legitimate, and therefore of long standing. It is, however, a great and unfortunate evil that the African should be doomed to a life of continual toil, privation, and misery, from the period of being torn from home and the ties of youth; to an instalment upon some sugar plantation in America. I know not which epoch of transition is the one in which he suffers the most; and although her Majesty's government are not in a position to interfere in his behalf to ameliorate his condition during the middle passage, they can, nevertheless, effect an immense deal for him before embarkation and after crossing the Atlantic. The princes, chiefs, and headmen in Africa would no doubt listen to any suggestions made to them, and an appeal to the Spanish and Brazilian governments might have a good effect."

The number of vessels recommended by the five British naval officers who were examined before the Duc de Broglie and Dr. Lushington, in 1845, was 37, viz: 26 sailing vessels and 11 small steamers. This opinion was given without any reference to the employment of French vessels. The combined English and French squadron since employed has amounted on an average to 44 vessels—namely, 22 of each nation; but Sir Charles Hotham, in his letter to the admiralty of the 17th August, 1848, says, that "it is a fallacy to suppose that the French render us any assistance. They are generally in harbor, or, if at sea, confine their visits to

their own ships. Since October, 1846, they have not detained a vessel on suspicion of being engaged in the slave trade." It is not, however, from any unwillingness to act, but owing to the French government not being able to empower their vessels to search Brazilian, Spanish, or Portuguese vessels; and to the fact that, excepting with ourselves, they have no treaties with other nations for the suppression of the slave trade; that their vessels have been enabled to do nothing more than to guard their own flag from contamination with the slave trade, and they no doubt have done this effectually.

Twenty-two vessels only have, therefore, to all intents and purposes, been employed since 1845 as the preventive force on the west coast, instead of 37, the number recommended. I was one of the officers who named that number; and I am still of opinion that this force ought to be employed, for a time at least, on the west coast, unless, indeed, the auxiliary screw be applied to the sailing vessels, which would allow of their number being diminished.

In increasing our force, however, from 22 to 37 vessels, no additional expense need be incurred, for a much smaller class of vessels would be better than any of the present cruisers; and the fastest of the captured slave vessels would very often prove to be the very vessels we required, and would answer the purpose as well in regard to economy as efficiency.

Such vessels would, in the ordinary course of service, be commanded by lieutenants; but officers of higher rank might be appointed to them, should their coast experience render it advisable, the admiralty having it in their power to rate vessels according to the rank of the commander.

The nature of the service, both as to climate and the impossibility of obtaining proper recreation on shore, requires some inducement to be held out. Increased pay might be given; and tonnage money, to the exclusion of head money. Promotion might, also, well be given every year to a certain number, as on the coast guard at home, but to a much greater extent. The station has for a long time been unpopular with officers, notwithstanding its being a field of uncommon emulation and enterprise; and this, there can be no doubt, arises from the small hope of promotion held out.

I have calculated that about half of the thirty-seven vessels which I recommended would require to be stationed north of the line; the other half would be quite sufficient to the southward. This is a large force; but it would gradually be reduced as the coast became clear of slave vessels. Even were no higher objects contemplated than the increase of British commerce, the expenditure now required for the largest squadron would, in a few years, be amply repaid by the extent of resources eventually brought into connexion with British enterprise and science. But England has a higher principle at stake to urge her forward in her glorious struggle for the liberties of the oppressed population of Africa; and I trust the government of our country will never consent to a compromise of that principle, by a compliance with suggestions, (however honestly intended,) which would even so much as tolerate a traffic in human creatures—a traffic as contrary to the laws of God as to the rights of man, and involving no less disgrace to the nation which pursues or allows it, than misery to the many thousands that are its victims.

I have the honor to be, my dear lord, faithfully yours,

HENRY DUNDAS TROTTER,

Captain Royal Navy.

Letter from the Rev. H. Townsend to Captain Trotter.

2 HIRAM PLACE ST., SIDWELL'S,
Exeter, January 31, 1849.

MY DEAR SIR: In answer to your request, I hasten to state what I conceive to be just reasons for the continuance of the cruisers on the coast of Africa, to prevent and suppress the slave trade.

The reasons given for the withdrawal of the squadron are, I understand, these—its expensiveness, its uselessness, and the increased horrors of the middle passage consequent on the employment of force for its suppression.

1. The expense of the African squadron seems to many an unwarrantable expenditure of the public money. Those who think so seem not to consider the slave trade in the light of a moral evil, entailing guilt upon those engaged in it, and upon us who formerly engaged in it; but it is the duty of Christian men to view it through the light of Divine Truth. Political economists of the present day think we have done all that could reasonably be expected of us to wipe away the stain on our national character, and that the twenty millions paid for the emancipation of the slaves held by British subjects did it. But we can have but a poor estimation of the evils inflicted upon mankind by us in the slave trade, if we think a sum of money, however large, will compensate for them. A slight examination of the evils we have inflicted upon mankind by it will prove this. For about two centuries and a half England was a purchaser of slaves. As a purchaser of slaves she offered a bribe which has been the cause of the most horrible wars; murders, cruelties, the destruction of towns, and of whole countries; and, indeed, of inflicting unheard-of cruelties upon one portion of the human family, and this, I repeat it, through a period of 200 and 300 years. Through the same period, too, she often inflicted upon slaves in her own colonies cruelties that, had they been perpetrated by any other than those called civilized, would have stamped them as beings most degraded, most barbarous. Could God, who has taught us to love each other, to do unto others as we would they should do unto us, look upon our horrid barbarities without (as the Governor of the Universe) judging us for our cruelties? Did the blood of one man ascend up to God and cry for vengeance, and shall the blood of thousands and thousands of the African race, for which England is responsible, be silent?

Now, consider what we have done nationally to wipe away the stain of this great sin; twenty millions were paid to emancipate those enslaved in our colonies. This was an act of justice, not mercy, as some persons suppose; for they were not our slaves because of any crime done against us, but they or their fathers were unjustly and most cruelly kidnapped and torn away from their native land. In other words, we *stole* them from their fatherland, where they dwelt in peaceful security, slaying those who resisted us, and without pity turning their country into a wilderness. He who offers to another a price to take away life or liberty, is as guilty of taking away that life or liberty as if the act were perpetrated by his own hands. In this way, England is guilty of the blood of millions.

By paying twenty millions of money to purchase the liberty of those held in slavery in her colonies, she acknowledged her national guilt, and showed a sincere desire to compensate for the wrongs she had done. But

Ex.—6

is this all? Justly, we ought to restore the villages we have destroyed; give peace where our bribes have made war; soothe the sorrows of the childless, of the motherless, and of widows, made so by our acts. This we have not done. There remains, therefore, an immense debt due to injured Africa for wrong committed against her.

We have helped to introduce a system of foreign slavery into Africa. We have made slave wars so common that they cease to be looked upon as unjust. More than this, by purchasing slaves in Africa with our own produce, we have made the slave trade in Africa *necessary* in order to procure the necessaries of life; and we have made Africans the instruments of inflicting all these wrongs upon their own country. Thus we have not merely inflicted a physical evil upon Africa and her people, but a moral one also; and we shall never cancel the debt due to her until we, at all events, change that system which we have assisted to introduce amongst her people.

Some seek to justify the wrongs inflicted upon Africa, by saying that her children are barbarians, too indolent to work, and incapable of acquiring knowledge. Were this true—which, indeed, it is not—it could not justify the smallest wrong done them. Their want of the knowledge of the one true God laid them open to temptation, and we took advantage of their weakness. Instead of teaching them what we professed to know, *Christianity*, we made them tenfold more barbarous than they were before. Africa was weak, and she became the prey of the strong.

To uproot the system which we have helped to introduce is clearly a duty, and clearly, too, a difficult and expensive one to perform. The fault, however, is ours; we are the guilty party; we are debtors to injured Africa; and, although the sum annually spent to cancel our debt seems large, yet, when compared with the monstrous evils inflicted by us in times past, it is but a trifle. Should it even cost ten times more than it does, our duty remains the same—to make every sacrifice in order to amend the evils we have inflicted upon an unoffending people.

Our annual expenditure towards the suppression of the slave trade is not, therefore, a gratuitous act of kindness and benevolence that we may at any time forego; but is justly due, to undo the wrongs we have done.

2. Some; however, say that because the efforts hitherto made have not suppressed the slave trade, we should abandon the means hitherto used; and they seek to strengthen their position by stating that the means employed have increased the horrors of the slave trade, at the same time that they have failed to suppress it. In this way, many seek to do away with the preventive squadron on the coast of Africa.

That the preventive squadron has not yet accomplished its work, is most true; but it has done far more towards it than objectors generally allow; and it is not so likely ultimately to fail as they desire to prove. What has *not* been done has been most prominently brought forward, and what *has* been done is passed over as of no value.

It is of importance, therefore, to consider what has been done by the preventive squadron towards the suppression of the slave trade.

By the employment of this expensive squadron, we have shown to the world the sincerity of our repentance for having engaged in the slave trade. Who can say that this has made no good impression upon others engaged in it? Its very expensiveness has demonstrated our sincerity; its having been a costly sacrifice has proved more truly than any other

means could have done that England is in earnest. Had England been contented with bare profession, mere exclamations of just horror at the barbarous traffic, others might have been equally liberal with words; but who would have moved to act? Mere treaties cannot suppress the trade, any more than laws on the statute book can suppress crime; but the cruisers, as instruments of carrying out the law of nations, have made the guilty participators in crime feel that England is determined to suppress it.

The preventive squadron has liberated thousands of poor captives who would otherwise have pined in hopeless slavery and exile. They have been brought together and placed under the influence of Christian truths; and thousands of those thus liberated have become Christians, and thus have been made doubly free. This could not have been, had not our cruisers first delivered them; for how could we have appeared in Africa as messengers of the gospel of peace with the stain of so many wrongs inflicted upon Africa by us? or how could we have followed the captives to the land of slavery and taught them there, even had there been no law nor custom to prevent us? The subject of so many wrongs would justly tell us to go and learn the first principles of humanity. Christian teachers, however, find that the truths they teach the liberated Africans come home with a double force to their hearts, because they feel that England, by her cruisers, liberated them, and thus taught them, by her practices, the goodness of the religion she professes. Thus England has obtained a moral influence upon the Africans liberated by her. And who shall say to what this influence may lead? Divine Providence of late has shown us how this influence may extend itself and be the most important auxiliary in slave trade suppression. This I will not now endeavor to explain.

Many persons have thought that the negro race were insensible to the good we were desirous of doing them, and their not co-operating with us was regarded as a proof of their being beyond moral impressions. But the real cause of this apparent insensibility has been discovered. The slave traders, afraid of the results that might follow the truth being made known, have spread a report that the English cruisers were piratical vessels, and that Englishmen, being poor, were obliged to subsist on plunder. Thus it was not known in Africa beyond the coast, even if there, that England's object was Africa's deliverance. The effect of this false report has (at all events, in *one* part of Africa) been entirely dissipated—tangible proofs to the contrary, in God's providence, having been exhibited.

Some of the liberated Africans in Sierra Leone—people of the Egba tribe, a part of the Yomba nation—by some means or other became acquainted with the possibility of their returning to their native land, though upwards of a thousand miles distant. A few first went as pioneers, and their arrival at Abbeokuta was welcomed by the most lively joy.—(See note *a*, p. 90.) Then, for the first time, the people of that country became acquainted with these facts: that all white people were not slave traders, and that the English sought to suppress the slave trade. The humanity of the English nation, thus demonstrated, caused Englishmen to be there regarded as almost more than mortal—to use the natives' own expression, "people that live nearer to God than any other people."

The respect felt for Englishmen was manifested in the most lively manner when Abbeokuta was afterwards visited by the Rev. S. B. Free-

man, of the Wesleyan Missionary Society, and also when visited by myself.

Subsequently, when I went to reside there, the same respect was shown to me, and those with me, by the whole town; chiefs and people together did what they could to show their attachment. When a public meeting was held to receive us formally, and to give us a residence among them, one of the chiefs remarked: "All other people in the world have said that the Egbas shall be destroyed: Englishmen alone have said that the Egbas shall live," (referring to the destruction of their country by slave wars, and the deliverance of their people by the cruisers;) "therefore, whatever the English teach us to do, we will do."

It may be thought by some that kidnapping and the slave trade would cease among this people at once, and that we ought naturally to expect this result. Such, indeed, were my own expectations on my first visit to them; but I have since lived among them long enough to see that my expectations were unnatural, and also to know that the slave trade there—the result of moral depravity—is continued as a means, as it is, in point of fact, the only means, of obtaining that supply of European merchandise which has been made necessary to the people's welfare. It is unnatural to suppose that the slave trade will be given up by the Africans while there is a demand for slaves, and while, at the same time, it remains the only channel by which their wants can be supplied. We ought to consider how difficult it is to remove a moral evil of such magnitude, and so entirely interwoven with the habits and necessities of a people as the slave trade is in Africa. To remove moral evils in our own country, with every means at command, is found to be a slow work; and how much more so must it be in a heathen country, where there is no religion to second it. I have been present when a law has been passed in a public assembly of chiefs and people in Abbeokuta, convened for the purpose, to prohibit all slave wars. This law was passed with acclamations; and, within a very short time afterwards, the law was violated, because the executive was too weak to compel compliance with it. Much, however, is gained when a public voice gives utterance to feelings opposed to a system like the slave-trade wars.

When the chief of the country is told he should compel his people to give over the slave wars, he replies: "It is impossible while Lagos exists as a slave mart, and is able to send presents to the evil-disposed chiefs of my own town, to incite them, and to strengthen them to perform evil deeds; and while, also, Lagos is able to send presents to neighboring tribes to make war upon us."—(See note *b*.) When pressed to give over the trade in slaves the common reply of chiefs and people is: "White men will only sell their goods for slaves; if white men would take our cotton, indigo, or anything else we have, we would gladly trade with these things instead of slaves."

I visited the farm of the chief Ogubonna, near Abbeokuta, and, on looking over it, I observed a plot of ground that appeared to have been recently planted, but with what did not appear. On asking the chief what he had planted there I obtained this reply: "Ginger, by which I intend to prove if white men will buy ginger instead of slaves." On another occasion I asked the chief Laguba (he is in the place of a king, without the title) what sum of money was annually expended in the purchase of tobacco from the slave traders. He replied: "I am unable to

calculate the amount." I asked again: "What would you do if Englishmen were to send you a person to teach your people to cultivate tobacco?" He replied he would not sell slaves to purchase it. He seemed moved by my last question, as if a new and bright prospect had been unfolded to him; but another thought quickly followed, which seemed to cloud the opening view, and to which he thus gave utterance: "If Englishmen would do so, do not let it be known, for the people on the seacoast will use every means to prevent his entrance into the country." The hope thus raised he did not permit to pass away without an effort to obtain the desired blessing; for, in a letter which he addressed to the Queen of England, he made it one of his requests that her Majesty would send him a person to teach his people to cultivate sugar, tobacco, &c.

It is obvious, I think, that in obtaining a position in Abbeokuta we obtain a position in the heart of the slave trade; and in the good will of the people, which we undoubtedly have, we possess the means of extending civilization and Christianity, to the destruction of the slave trade, as well as of all other evils that have afflicted Africa. I think it is not less obvious that the first link in the chain of providential events (as far as we are concerned in it) that has brought this about was the liberation of the people of the Egba country by the British squadron. Had this link been wanting I cannot see how the succeeding events could have taken place. I conceive, also, that to be in a position to obtain moral influence in Africa cannot be too highly valued; and this, it must be remembered, has been obtained in one part through the exertions of the cruisers, and God working providentially with them. And who can say that what has taken place in one part of Africa shall not, by a similar instrumentality, take place in many others? It is only for England to continue her work of justice and mercy to see her efforts crowned by the most complete success.

I should not omit noticing one act of service rendered us by the cruisers. The establishment of an English factory at Badagry, (see note c)—the formation of which was assisted by some of the first of the liberated Africans who returned to their country—was a source of great annoyance to the slave traders; and on one occasion the Europeans in Badagry were desired to leave the place, as the slave traders would not come because Englishmen were there. Knowing that some of the chiefs of Badagry were negotiating with some Brazilian slave merchants to come there, we were advised by others to obtain help from the cruisers. This we were obliged to do; and the assistance that we required was most promptly rendered, and our dwelling there rendered secure. Had the Brazilians obtained a footing in Badagry, which they would have done had not the cruisers interfered for our protection, we should have been obliged to abandon the place, and the only place open to us for access to the interior would have been closed.

3. As an offset to what the cruisers have done, it is declared that they do as much evil as good by increasing the horrors of the middle passage. This view of the case, were it true, appears to me to be a very contracted one, and would be equally applicable to every effort used to suppress vice by punishing it. How many innocent persons have suffered on the galleys! and how many have suffered transportation and imprisonment! But would any one infer that, because such events have taken place, no penal efforts should be made to suppress vice? But it is a historical fact that the horrors of the middle passage existed when every nation legalized

the slave trade. The slaves were then, according to the testimony of Talconbridge, "wedged in" in the slave ships "so that they had not as much room as a man in his coffin." We have, also, accounts of living slaves having been thrown overboard; not in the excitement of a chase, but more savagely—under a *pretence* that they had not water enough for the consumption of the whole, but *really* to obtain the price at which they were *insured*. Knowing, therefore, that the horrors of the middle passage existed before a single cruiser was sent to prevent the slave trade, it is most unjust to charge the preventive system with them; indeed, the horrors of the middle passage are but a part of the cruel system of trading in human beings, although they may be *occasionally* increased by the preventive system.

One instance of horror, given in evidence before a committee of the House of Commons, and related at an anti-slavery meeting, as an instance of one of the results of the preventive system, was to this effect: That 2,000 slaves were massacred in Lagos because the dealers were unable to ship them. This, if true, would be the strongest proof of the effectiveness of the cruisers. The slave traders who were thus obliged to destroy their victims would surely not purchase any more, knowing that they would be unable to ship them. But I have the strongest reasons for thinking that the whole story is a mistake, originating in a rebellion that took place in Lagos at about the same time that it is said the massacre of slaves was perpetrated. In this war two chiefs fought with each other for nearly three weeks; and it is said that 10,000 persons, slaves and free-men, fell in the conflict, and that after the conflict a large number of the prisoners taken by the conquering chief were slain. Living, as we did, near Lagos, and hearing all the news of that town, it could not have escaped our knowledge had 2,000 slaves been destroyed because they could not be shipped. Such a tale we never heard, and I therefore doubt its correctness.

The advocates for the removal of the cruisers profess to have a better scheme in view for the suppression of the slave trade. Would it not be better for them to leave the cruisers to pursue their allotted task, until, at least, the value of the new scheme be tested?

But some think the slave trade would die a natural death if left to pursue its detestable course unmolested. This is a theory for the suppression of crime, as novel as it is unjust and unchristian. Would those who think the slave trade is to be suppressed by permitting it to be carried on without a check like to have the principle tested in England first? Would they like to try if robbery in England can be suppressed by permitting it; expecting to see the market so glutted with stolen goods that thieves would become honest men because unable to sell the produce of their robbery? The cases are parallel: slaves are stolen men; the sale of slaves or the slave trade, is a trade in stolen men; a glut in the slave market would be a glut in stolen men. And what is the difference between robbery being legalized in England and the slave trade being legalized wherever it can be pursued? and the difference between suppressing robbery in England, by permitting it, until stolen goods shall become so abundant as to produce a glut in the market, and suppressing the slave trade by permitting it to go on unrestrained until the market shall be overstocked with slaves? The only difference is, one is the robbery of mere goods, and the other is the robbery of mankind, whom God has made free.

Those who wish to see the cruisers withdrawn are desirous, doubtless, to see fair and legitimate traffic introduced into Africa; but it must be remembered that the African slave trade is that sort of trade which, from its nature, must destroy all fair trade. It is supposed that when the restrictions upon the slave trade are removed, the jealousy and animosity shown by the slave trader towards the English trader will cease, and fair trade will be able to introduce itself into haunts of the slave trade, and destroy it by the superior influence of honest over dishonest traffic. But when this thought is entertained, it is forgotten that the means by which fair trade is carried on are destroyed by the slave trade. The fair trader, we might suppose, obtains a footing at Lagos; he there dwells without molestation from the Brazilian or native slave dealer, and seeks to dispose of his merchandise for the produce of African soil. We can further imagine that some peaceful negroes, desirous of earning their subsistence honestly, cultivate their ground in the hope of selling its produce to the fair trader. In the mean time, however, the price offered by the slave merchant for slaves has influenced other negroes, who are only desirous to make haste to be rich, and care not by what means they obtain wealth. These go to the farms, because there the people are scattered and few, and when their opportunity comes they fall upon the farmers and make them their prey. Herein the life of their traffic is destroyed, and that without remedy. The honorable merchant dwells in the same town, and in peace with the slave merchant; but what is the advantage of it, when he is unable to protect the honest farmer's life and liberty while pursuing his peaceful avocations? I need not bring forth proofs of this, for it is but the natural result of the slave trade; but I will relate one event that took place in Abbeokuta to illustrate what I say:

The chiefs and people of Abbeokuta passed a law to prohibit kidnapping, under the most solemn sanction of their most dreaded god. One of them, however, under the influence and in the pay of the chief of Lagos, dissented, and in about three weeks afterwards he carried war into a neighboring and peaceful country; then followed retaliation. A party of the aggrieved people suddenly attacked the farms of the people of Abbeokuta, and made slaves of many of the farmers; and those who escaped were obliged to abandon their farms and the produce they hoped to raise on them. The well-meaning chiefs of Abbeokuta were obliged to look upon this in silence; they had not sufficient moral or physical courage to overcome the wrath of Lagos.

If the slave-trade be permitted to have free course, what an impulse will be given to transactions base as this! and how thoroughly will the desire, now awakening in Africa, to be free from this vile traffic, be crushed! and how vain will it be then to think of lawful trade! Will men endanger their lives by cultivating the soil? Will they seek the palm nut in the woods when they know a price is set upon their heads? The peaceful and industrious are those who suffer most by this vile trade, those whom we could hope would exercise a wholesome influence upon the habits of their weaker and misled country people; and in the destruction of these there is the destruction of all fair trade. I may here remark, that those who wish for the withdrawing of the squadron had no personal experience of the dangers attending a residence in the midst of the slave trade. They do not contemplate that the withdrawing of the cruisers would (unless God himself interpose, which we have no right to expect when the means

he has appointed for the suppression of evils like these are withheld) involve in it the destruction of all efforts to civilize and christianize Africa. To show that this is no idle fear, I will relate what has taken place to people in our employ while engaged in their lawful business:

A man named Lewis, employed by us as a messenger and carrier between Badagry and Abbeokuta, on his return to Badagry, was attacked by an armed band of kidnappers. Some of those travelling with him were killed, and some made slaves; but he and one or two more escaped, with the loss of their property. Another individual in my employ sent by me to Badagry was, with the party with whom he was travelling, attacked. Two women were mortally wounded; but the travellers resisted, and drove away their assailants. A man sent to me in Abbeokuta, on his return was kidnapped. Some women who were occasionally employed by us, and who sometimes lodged in my house in Abbeokuta, were kidnapped on one of their return journeys. Our messenger, Lewis, in company with another man, while bringing letters to me, was pursued and fired at: they escaped. The same party the day before attacked a party of, I believe, five. One of those who escaped of these five was fallen in with by our messenger, weak and wounded, and was assisted by him on his way. Soon afterwards I had occasion to travel the same road, and providentially arrived safely. But a party of twenty that followed a day or two afterwards were attacked, and half of their number never reached home. On my return journey, kidnappers were lurking about for us; but the strength of the party—about six hundred persons—prevented an attack. These attacks were made to obtain slaves. They were natural results of the slave trade; and that, too, while the trade is burdened and oppressed by the preventive squadron. To what extent might we not expect these deeds of violence to be carried, if the check now put upon the slave trade were removed? The removal of the cruisers would be followed by such a rush to obtain slaves, that a price would be set upon every man's head, and no human being would be safe. The personal dangers of those engaged in missionary work would not be only those common dangers which beset all alike—such as I have related—and increased by the additional impetus given to the slave trade, but would involve the additional danger accruing to us from being left to stem the current of iniquity alone. Our danger, I must repeat, would not be the common danger that every one must expect from living in a country given up to ruin; but it would be a danger resulting from the opposition that, upon principle, we must make to the vile schemes of the white slave-trader. And could we expect to find mercy in the hands of those whose trade is crime—whose only check would be what they might meet from us—when, too, our own country has confessed her inability to stem the torrent of their iniquity? The more successful we might be amongst the natives, the more surely we should excite the opposition of the slave-trader, because we should thereby be successful in our opposition to his traffic; and no effort would be spared by him to remove the objects of his hatred. Now, the slave-trader fears to give the cruisers a just cause for invading his mart. He knows that they wait for such a cause, and would be but too glad to avail themselves of it.

Another consideration forces itself upon us, and it is one of no mean importance to England, inasmuch as the moral condition of British subjects is of paramount importance to her. It is, How are British subjects to be

prevented from engaging in the slave trade if the cruisers be removed? Direct participation in the slave trade by English sailors and merchants has been prevented by the squadron, and much demoralization to them thereby prevented; but what check would remain to hinder the evil-disposed of our countrymen joining heart and hand in this traffic, if the cruisers were removed? One or two cruisers would be sent, it may be, to watch over British interests in the African seas; but what could they do to prevent British participation in so extensively diffused an evil?

There is another consideration that should not be forgotten. The British West Indies have been much injured by admitting the produce of slave labor into our markets. How much more would they be injured—indeed, would it not be attended by their complete ruin—if the present hindrance to the slave trade were removed, by which the slave is of necessity so much dearer, and the produce of his labor by natural consequences, likewise? If the slave trade were free, some might hope, under the plea of purchasing slaves in Africa in order to liberate them in the West Indies, to partake in the general spoil; but it cannot be credited that the honest and humane feelings of England are so far paralyzed as to permit so foul a blot to be upon her fair name. England may be deceived, may be mistaken, for a time; but when the time that discovers the mistake comes, reaction, with just indignation, will follow.

It is not only England's *duty* to suppress the slave trade, but her best *interest* likewise. The civilization of Africa, which has been prevented by the slave trade, would cause millions of human beings to become consumers of English merchandise. The disposition so often manifested by the negro—his fondness for tawdry finery—needs but to receive a bias from the example of civilized men, to become a taste for the conveniences and elegancies of civilized life. I have seen this exemplified in my intercourse with them.

The chief of Abbeokuta, who has shown the greatest fondness for finery, is the man who has first attempted to imitate our mode of building houses; the first to have door-ways to admit of men walking through them erect; the first to have windows for light and air; the first to floor his rooms with boards; and the first to covet glass windows and paint for his house. His love of finery is here seen expending itself upon objects of real utility and comfort. This desire for articles of utility is not confined to a man or a class of men. The native carpenter, seeing the superior tools used by the Sierra Leone carpenters, seeks to obtain them; the man long accustomed to see planks *split* from the log of timber, desires to acquire the art of *sawing* timber; the man accustomed to have a door rudely made of *hewn* wood, desires to have one neatly put together and planed; a bag formerly served to put clothes in—now, boxes are desired. In these things the negro's disposition to be fine above his neighbor puts itself forth in the most desirable objects. Thus we can discern how Africa may become a market for English merchandise.

The belief that so universally prevails that the negroes are too indolent to exert themselves for their own good, is one of the errors arising out of the slave trade. Their markets are supplied with all the necessities of life in abundance. They carry on a very extensive international trade, and at a great risk of losing liberty or life in it. The instances already mentioned, showing the danger of travelling in Africa, prove this. These things will surely show that they are not so indolent as people are led to

believe. What better proof can be rendered of industrious habits than market always stocked with the necessaries of life?

When a country like this is torn asunder by slave wars, and when people like these are dragged into slavery, it is clearly a loss to the common welfare of mankind. Had they but liberty, were they but free from the slave trade, they would raise the produce of the soil for our country, and take our manufactures in return; but their efforts to raise the produce of the soil being constantly thwarted by the slave trade wars, and contracted for want of a more extensive market, it is indeed a wonder that they are not a heart-broken, dejected people, subsisting upon the barest necessities of life.

How much, too, are the interests of mankind wronged, when, to make one slave, two persons are destroyed. One slave thus becomes the compensation for what would be, but for the slave trade, three human beings, producers for the good of others, and consumers, for their own comfort and welfare, of the produce of other countries.—(See note *d*.)

Therefore, I conceive that England, influenced by every motive that should govern the actions of an enlightened nation, should continue—nay, redouble—her efforts to suppress the slave trade; influenced by motives of justice to undo the evils in which she has participated; by motives of humanity, to relieve a suffering portion of mankind from the bondage of a cruel system; by motives of self interest, our own honest trade being injured by the basest monopoly that ever existed; and by love to God, whose laws are constantly broken, through this nefarious trade.

H. TOWNSEND.

P. S.—I am aware that other considerations might be adduced to show how unadvisable it would be to withdraw the cruisers. I have, however, only brought forward those which have presented themselves to me in connexion with the morality of the question, and such as have forced themselves upon me in a personal experience of the working of the slave trade in Africa.

NOTES.

(a.) Abbeokuta, in latitude $7^{\circ} 8'$ north, is a town of not fewer than 50,000 inhabitants, about 50 geographical miles from the sea, and 56 from Badagry. It is calculated that 3,000 liberated Africans from Sierra Leone have proceeded thither. Churches and schools have been built, which are in charge of three clergymen of the Church of England; of whom, one is the writer of this letter, (now at home,) and another is the Rev. S. Crowther, a native of the Yomba country. When a boy he was taken to the coast as a slave, and shipped in a slave vessel, which was seized by her Majesty's ship "Myrmidon," Captain (now Sir Henry) Leeke, and carried to Sierra Leone, where he was educated by the Church Missionary Society. He was subsequently brought to England, and ordained by the bishop of London. Soon after his return to Africa he was sent to Abbeokuta, where he had the happiness to discover his mother and two sisters, a brother, and other relations, after an absence of about 25 years.

H. D. TROTTER.

(b.) Lagos, in the Bight of Benin, is the town on the coast which is nearest to Abbeokuta, being about 50 miles distant. It was here where the first party of liberated Africans landed from Sierra Leone. They met with great opposition from the slave dealers, and were robbed of the whole of their property in Lagos, and on their way to Abbeokuta, by the Lagos people.

TROTTER.

(c.) Badagry, a town on the coast, a few leagues to the westward of Lagos, and about 56 geographical miles from Abbeokuta. Most of the liberated Africans from Sierra Leone landed there on their way to Abbeokuta. Clapperton and Lander landed here, and subsequently the two Landers, on their several journeys into the interior.

TROTTER.

(d.) On this point Mr. Townsend was asked for further particulars. In his reply he stated: "I obtained my information respecting the loss to Africa of three individuals to every slave employed in America, from Sir T. F. Buxton's work, 'The African Slave Trade and its Remedy.' He states, p. 200, that out of ten stolen in Africa, three only become available for labor in America after 12 months' residence there. I have no doubt that this result is correct; but to be within the mark, I say one in three."

Sir T. Buxton arrived at this conclusion from calculating the mortality consequent on the seizure in the interior; march to the coast; detention there; middle passage; loss after capture; loss after landing, and in seasoning.

Mr. Townsend then proceeds: "There are collateral evils and losses that it is difficult to estimate; for instance, polygamy has been enormously increased by the slave trade, and with it the births of children have enormously decreased. That polygamy has increased needs not further proof than a reference to the well-known fact, that a large proportion of the slaves imported into America are males; a large disproportion of the sexes must, therefore, exist in Africa. Two instances of the results of polygamy I am enabled to give. It was said that Sodeke had 600 wives and 200 children; thus, 200 children are to represent, in the next generation, these 600 wives of Sodeke. Saglura, the present chief, had, it was said, 50 wives, and I could not satisfactorily ascertain that he had as many as 10 children; indeed, I knew but *one*, and that one died; I heard of another, and that died also.

"I endeavored to ascertain what births there were among the people generally in proportion to the number of wives, and I came to the conclusion that there could not be a child to every adult person in Abbeokuta. A large number of women had no children, a large number but one or two, and a large number had lost all their children by death. One woman came to me for medicine for her infant, her sixth child, the only one alive, and this one not at all likely to live, from *general weakness*. To show the comparative number of children in Sierra Leone and Abbeokuta respectively, I can only refer to one instance; but it was generally remarked by the natives that the Sierra Leone people had many children. Mr. Crowther had two sisters by the same mother—one nearly his own age, and the other much younger; these have two children each, while Mr. Crowther has six. I think the same general result would be obtained could

I get correct information of a larger number of instances. The cause of all this, I have no hesitation in saying, is the slave trade; for among its results may be mentioned polygamy, greatly increased sufferings, privations, alarms, anxieties, labor, and other evils. These surely are enough to affect the increase of the population of any country."

I.

Sailing directions along the coast of Liberia, extracted from the directions of the Lords Commissioners of the Admiralty, 1849

169. From Manna Point the coast runs nearly in a straight line SE. $\frac{1}{2}$ E., for about 60 miles to the entrance of the river Gallinas; and, though low and sandy, it is free from shoals and steep-to, with very regular soundings from the offing.

The action of the surf from without, and of the current of the rivers Gallinas and Solyman from within, has had the effect of throwing up a thin barrier of sand, five or six miles in length, and of thus forming between it and the shore a long narrow lagoon, with several low sandy islands, now covered with trees.

One or two shifting openings in this barrier allow the escape of the river water; and through them are the only channels by which boats can communicate with the lagoon and the shore.

The principal entrance at present is at the western elbow of Kamasoun island, from whence a narrow channel will be found through the surf round either its north or south point, as may be seen in the plan. The soundings from the offing are regular, and vessels may anchor at a mile outside the above island in seven fathoms.

Gallinas was long notorious as a slave market, and the former establishments for that purpose still exist on the south point of the river, as well as on Taro island, which lies close to its entrance.

The Solyman has the appearance of a considerable river; but at the period of the survey it was inaccessible, except through the narrow opening into the lagoon already mentioned. A small wooded island stands conspicuously in its mouth.

Six miles to the southeast of the Solyman, we come to the entrance of the small river Manna, which, though nearly closed by sand pits from both sides, affords access to boats.

In nearly the same direction, and $4\frac{1}{2}$ miles further, is Manna Point, low and rocky, with many scattered rocks both above and under water out to a third of a mile from the shore.

170. Eight miles south of Manna Point is Cape Mount—the coast between them forming a bay about two miles in depth, into which flow the Sugury and Cape Mount rivers. These streams have their entrances almost closed up by long narrow strips of sand, similar to that fronting the Gallinas and Solyman, and, like them, are at times open to boats. On the shores of this bay, the colored American settlers from Liberia have established several small factories, principally for the trade in cam-wood.

171. The headland of Cape Mount consists of several hills, which rise

to the height of 1,060 feet above the sea, and which at a distance have the appearance of a large island. The western point of the cape is in latitude $6^{\circ} 44' 25''$ N., and longitude $11^{\circ} 23' 15''$ W.; and the base of the mount, from thence for three miles to the southeastward, is formed by a succession of rocky points and small sandy bays. There the coast again sinks into a low continuous beach of light brown sand; one universal forest prevailing over the entire face of the country up to the summit of the cape, and extending without intermission to Cape Mesurado.

About half way between these capes there is a considerable stream, with the quaint name of Half Cape Mount river; but in the dry season it is quite closed, by a bank of sand across its mouth. Eight miles further, an insignificant stream is dignified with the name of the Po; and, within four miles of Cape Mesurado, there is a wide fine river which is called after St. Paul. Half way between them there are a few scattered rocks, which extend out a quarter of a mile from the beach. From the south point of the St. Paul, a dry sandy spit shoots out to the northwest; and from thence a shallow bar curves inwards towards the northern shore, leaving a narrow channel for boats, with seven feet in it at low water. On the banks of the river and along the shore there are several native villages and some American factories, as well as a large settlement at Caldwell.

172. At full and change on this part of the coast, it is high water at 4h. 45m., and the rise of the tide is three feet.

173. Three miles to the southward of the St. Paul, the river Mesurado issues from behind the cape of the same name. Its entrance is rendered uncertain both in depth and direction; for the sand banks yield alternately to the western swell and to the heavy freshes produced by the periodic rains, breaking through sometimes close to the foot of the cape and sometimes half a mile to the northward, but generally leaving from three to nine feet on the bar. Stockton creek affords a back communication for boats between these two rivers, the banks of which, and the island they include, contain several thriving villages of American settlers; but the principal establishment is the town of Monrovia, which stands on the southern side of the Mesurado, immediately under the mount; and which, making a fair allowance for the reverses that occur in all young colonies, seems to offer a successful issue to the benevolent experiment of the Colonization Society in behalf of the colored population of the United States.

174. On full and change days of the moon it is high water at six o'clock, and the rise of tide is 3 feet 6 inches.

175. The NW. point of the peninsula of Mesurado is in latitude $6^{\circ} 19' 36''$ N., and longitude $10^{\circ} 49' 30''$ W. It stands high in comparison with the adjacent land; and on its summit, which is 240 feet above the sea, a light-house has been erected, exhibiting a revolving light of a red color. It stands in $6^{\circ} 19' 15''$ N., and longitude $10^{\circ} 49' 25''$ W.

Wood and water can be procured here; but it is necessary to obtain the sanction of the authorities before sending Kroomen for the former, in order to avoid any trespass. The *Ætna's* boats watered in the river, about two miles up, filling their casks from the stream. Fresh meat, vegetables, and sundry small stores are occasionally to be had from the

settlers at the town. The cape is composed of rocks covered with vegetation, and is steep-to; but the soundings are regular, and the bottom a fine light-brown sand.

The usual anchorage for large vessels is in seven fathoms, with the cape S. by W. $\frac{1}{2}$ W., light-house S. $\frac{1}{2}$ W., and the middle of the town SE. $\frac{1}{2}$ S.

176. From Cape Mesurado to the SE. the coast line is formed by a sandy beach, and the whole country is covered with forest. At nine miles to the southeastward from the cape we come to a low point, round which a few rocks lie scattered, and close within the point there is a little rising ground. From thence to the Junk river the same low coast continues, with some back water between the trees and the beach, forming long, narrow lakes, with a few shallow outlets to the sea, and into which several rivulets appear to drain the waters of the adjacent country. Two hillocks lie behind the largest of those lagoons, named the Crown and the Cock's Comb. Ten miles SSE. $\frac{1}{2}$ E. of the latter, and $1\frac{1}{2}$ mile from the shore, there lies a rocky patch, called the Hoopers; it is of an irregular form, about a mile in length, and the least depth of water on it is $2\frac{1}{2}$ and 3 fathoms. About a mile and a half further to the SE. there is another, but very small, three-fathoms patch, from which Marshall Point bears ENE. $\frac{1}{2}$ E. $1\frac{1}{2}$ mile, and Bassa Point SE. The ground immediately round it is coarse, and in some places foul; but inside of it the bottom shoals gradually up to four fathoms at the steep edge of the bar which fronts the Little Bassa and Junk rivers. To avoid these patches, as well as the Hoopers, vessels passing along shore should not come within the ten fathoms line.

177. From Marshall Point a tongue of sand, partly dry and partly covered with violent breakers, stretches three-quarters of a mile to the southward; and close round the edge of these breakers the entrance to Junk river crosses the bar. On the bar there are only four feet at low water, and the channel is very narrow, but inside it deepens to $1\frac{1}{2}$ and 2 fathoms by steering towards the eastern shore round the hook at the extreme end of the tongue.

Marshall, one of the Liberian settlements, stands on the west side of the river about a mile from the bar; and abreast of it there are three and three and a half fathoms.

The mouth of the Little Bassa river is a mile SSE. of Marshall Point, but it is so effectually blocked up by the prolongation of the sandy tongue from that point, which is forced into it by the action of the surf, that it is inaccessible even to boats: vessels may anchor off either of those rivers in seven or eight fathoms on a clear bottom of sand and mud.

Bassa Point is a little rocky cliff thickly wooded, with sandy bays on either side. Inland from it ten miles, and bearing ENE. $\frac{1}{2}$ E., there is a remarkable hill called the Saddle, which rises 1,070 feet above the sea, and appears to be the western extremity of a range of high land extending twenty-four miles in a SE. direction to Mount St. John. Nine miles to the SE. of Bassa Point we come to Middle Bassa, where there is another Liberian factory; and two miles farther to Long Reef Point, so named from a barrier of rocks which stretches along shore nearly four miles, and to seaward three cable's lengths. The ground in the vicinity is all foul; and about S. by W. $\frac{1}{2}$ W., two miles from the point, in the stream

of ten fathoms, there is a sunken rock with only four and a quarter fathoms.

Between Bassa Point and Long Reef Point there are some pent up waters and lagoons at the back of the beach, and about one and a half mile from the former point there is a small red and white cliff, which renders the spot remarkable.

178. A slightly inflected coast, wooded throughout, but apparently populous, reaches from Long Reef Point to Grand Bassa Point in eleven miles. Two miles and a half short of the latter a considerable river, the St. John, and two smaller streams, the Mechlin and Benson, discharge themselves through one opening into the sea. The American colonists of Liberia have two small settlements here, Edina to the eastward of the opening, and Grand Bassa on the opposite bank. As usual with almost all the rivers on this coast, the entrance is blocked up by a very shallow bar, the least dangerous passage over which is close to the sandy shoulders of Macdowell Point. Inside, the water deepens to two and three fathoms abreast of each of the settlements. About a mile outside, or W. by S. of the opening, there is good anchorage in six or seven fathoms black mud; but further to the westward there are several patches of foul ground, and one dangerous reef, the Niobe, on which the sea breaks furiously. Its outer edge is a mile off shore, and bears NW. by W. $\frac{1}{4}$ W. from the southern houses of Grand Bassa settlement, so that vessels standing in should not bring them to the southward of ESE. $\frac{1}{4}$ E.

To the southward of Macdowell Point the shore recedes a little, forming Waterhouse bay, which is full of detached rocks and reefs. The northernmost of them (the Snapper) lies half a mile from Waterhouse Point, and always breaks.

From Grand Bassa Point the Dhouat ridge of rocks projects a quarter of a mile to the northwest; and at the same distance farther out, a sunk reef, called the Yellow Will, assists in repelling the sea from the little nook called Bassa Cove. The Bissaw river runs into this cove; but it is an insignificant stream, and inaccessible to boats.

179. It is high water here at full and change at 5h. 50m., and rises four feet.

180. About five miles SSE. $\frac{1}{4}$ E. from Grand Bassa Point we come to Tobocannee, a large native village, the coast in the interval being thickly wooded, and bounded by a waving line of small rocky points and sandy bays. Nearly a mile beyond the village the land assumes the shape of a low, angular point, with a projecting reef, which ends in a detached block of stone a few feet above water, called the Tobocannee Rock; and further out, about a mile west by south from the point, there is a sunken rock, on which the sea constantly breaks.

Continuing to the southeastward the coast is in general rocky, with some sandy bays between the points; and these are fronted by numerous reefs, which extend off in some places half a mile from the shore, but leaving a boat channel within them. These reefs reach seven miles along the coast, as far as Trade Town; but their continuity is broken at Young Sesters—a place with which trading vessels sometimes communicate; and the same opening admits boats to pass inside of the reefs to New Sess river, the mouth of which is always accessible to canoes.

181. Trade Town is large and populous; it lies on the western bank of a small river about four miles from Young Sesters, and has both an

American and an English factory. SSE. from that place nearly two miles, and about a mile from the shore, there is a single detached rock on which the sea always breaks.

Little Culloh river is small, but accessible to boats, and fresh water may be obtained there from both wells and springs; and at the town there is a good landing under the shelter of a rocky point. Three quarters of a mile SSE. of the town and a long cable from the shore there is a sunken rock; and further on, in nearly the same direction, but more than half a mile off shore, there are two other rocks, with an inner channel of three fathoms. The coast behind these rocks, about Monkey Peak, rises in rocky cliffs to forty and sixty feet above the sea, with large irregular blocks of granite on the beach, over which the sea breaks heavily.

192. The entrance of Grand Culloh river is closed by rocks and sands; and from thence the shore becomes low and undulating, with a coast-line formed by numerous rocky points and sandy bays; off which, at distances varying from an eighth to a quarter of a mile, many detached rocks will be found, but with a passage for boats inside of them. Off Errick, close to the northward of Grand Culloh, there is a large black rock from which a reef runs off to the shore.

183. The river Tembo is a small stream half a mile to the northward of Tembo Point, and is only at times accessible to boats. There is a small British trading factory at Tembo; and the place is easily recognised by Tobacco Mount, a conical hill 880 feet high.

From Tembo to Grand Cestos the coast is low and thickly wooded, with a sandy beach and some straggling rocks. The Fen and Manna, two small streams, lie in the above space; the former is nearly closed by a ledge of black rocks, but canoes can get in and out by keeping close to the shore on the western side of them; and at the mouth of the Manna may be seen the remains of an old factory.

Three-quarters of a mile SSW. of the Fen there is a rocky patch, which breaks; others lie to the eastward of it, and the soundings are very irregular for five miles between them and the Manna rocks. The latter lie more than a mile from the shore, and show themselves a little above water; but there are several sunken rocks in their vicinity, on which the sea breaks: one bearing N. $\frac{1}{2}$ W. six-tenths of a mile, another NE. half a mile, a third E. $\frac{1}{2}$ S. six-tenths of a mile, and others more than a mile S. $\frac{1}{2}$ E.; but all of them may be avoided by keeping outside in the stream of twelve fathoms.

184. Three miles beyond the Manna rocks brings us to Cestos, another Liberian settlement for enfranchised slaves, but where Mr. Spence, an English merchant, has long had a factory. It stands at the entrance of the river, on St. George Point, from whence the bar curves round to the northern shore with a terrific surf. In the middle of the bar there is a patch of rocks, which divides the channel into two parts; but in neither of them are there more than nine feet at high water. The rainy season, however, produces such fluctuations in the spits which project from the patch, or from the opposite points, that it is always advisable to employ a native to pilot the boat. After crossing the bar the water deepens to two and a half and three fathoms, but again shoals when past the narrows to one and a quarter and one fathom.

In Cestos bay the soundings are irregular, both in depth and quality, but generally consist of coarse brown sand or black mud; and convenient

anchorage in five and a half and six fathoms will be found, with St. George Point SE. about three-quarters of a mile, and Cestos Point south. Wood and water may be easily obtained here.

It is high water at Fen and Cestos at five hours twenty minutes, and rises four feet.

Off Cestos Point there is much foul ground; a broad reef projects from it of half a mile in length; a single rock, with three feet on it, lies just outside the reef; SSW., a long mile from the point, a schooner is said to have struck in eleven feet, though five fathoms was the least depth the surveying boats could find; and Spence Rock, on which there are two fathoms, and the sea, therefore, usually breaks, lies a mile and a quarter W. $\frac{2}{3}$ S. from the point, and WSW. $\frac{1}{4}$ W. from the factory. The reef and all these rocks are the more dangerous because they are all so steep that the lead can give little or no warning. The plan shows their positions satisfactorily; yet, as no marks have been given, a stranger should employ a pilot in entering the bay for the first time. A vessel passing along the coast may avoid them all by keeping outside of fourteen fathoms.

185. From Cestos Point southeastward to Rock Cess factory the coast forms a sandy bay, but interrupted by two small rivers—the Pooah, three and a half miles from the point, and the Pobamo, six miles. The former is quite closed by rocks and sand in the dry season, but during the rains it is entered by canoes. The Pobamo carries six feet water, and may be entered close to the beach on the NW. side, where the water is tolerably smooth, being there sheltered by a ledge of rocks which stretches out from the SE. point of the entrance and forms a kind of natural breakwater. Outside of this ledge, and reaching all the way to Rock Cess factory, with a passage inside of it for boats, there is a broad reef, which terminates about a mile WNW. of the mouth of the Pobamo. And again: outside of this reef there are several rocks, two of which always show; first, the Pobamo Rock, which is low and black, the end of the breakwater ledge bearing from it E. $\frac{1}{4}$ S. one and two-thirds mile, and adjacent to this Pobamo Rock there is a small sunken danger bearing NE. of it half a mile, and another NW. $\frac{1}{4}$ N.; secondly, the White Rock, standing eight feet above water, and, like the others which have been described, steep-to and detached from its neighbors.

A small river runs into the sea at Rock Cess Point, where the factory will be seen, a little further to the SE.; and a mile beyond the factory, the New river. The intermediate bay is sprinkled with concealed rocks, though boats will find four and five fathoms between them; and it is sheltered by an extensive reef, with several black rocks which retain their Portuguese name—the Diabolitos. Foul ground with irregular soundings reach out for fully two miles to seaward of that reef; and though nothing less than three fathoms was found, yet on the two patches where “4” and “5” are inserted in the chart the sea was seen to break.

186. A mile from the New river there is another rivulet, but without a practicable entrance; and two miles further a long spit has been formed by the Broonee river, which is seen over it running in a parallel line to the coast for upwards of a mile and a half. In the rainy season, however, the freshes occasionally break through the heel of the spit and convert it into a long, narrow island. The entrance is always open to light boats and canoes, though much obstructed by rocks and sands.

There are several rocks off the Broonee, both above and under water;

Ex.—7

the most conspicuous of them is the Baï Yah, standing 60 feet above the sea, and capped with dark shrubs, at a distance of a long mile from the shore. To the northward of it there are three sunken patches of rocks, which generally break. To the eastward, between it and a factory belonging to Mr. Spence, there is a cluster of dry rocks, with a detached reef more to the southward, and outside of it there are four other patches. The first, which is dry, lies half a mile to the SW. $\frac{1}{4}$ W.; the second bears SW. $\frac{1}{4}$ S. more than a mile distant, and of some extent, but part of it shows above water; the third, bearing W. SW. $\frac{1}{4}$ W., and nearly a mile and a half off, is small, but carries only 3 feet water; and the fourth, NW. by N., not quite a mile, is only seen by its breakers.

To the eastward of Spence's factory the coast forms a sudden bight, where there was till lately a similar trading establishment called Murray's factory; and then, after passing the small river Coozoo, and two miles along a straight sandy beach, we come to the Sangwin, which is one of the principal streams that water this part of the coast. At first sight it is difficult to perceive the entrance, as a long ledge of rocks from the eastern point, and a high sandy spit from the northern point, seem both to cross over to the opposite shores; but a reference to the plan will show that it is possible to carry 10 feet water into the river by keeping in the best channel, which will be found between Wilson point on the east and the rocky patch a quarter of a mile to the westward of it. The channel is very narrow, and on rounding Wilson point it deepens to five fathoms till the narrows are passed.

Towards the last quarter of the ebb tide, the water at Sangwin point on the north side, just within the entrance, is fresh and good; and when the bar is smooth, it will be found a convenient place for obtaining wood and water.

187. It is high water here at the full and change, a quarter past 5 o'clock, and the springs rise about 6 feet.

188. Close to the east of the Sangwin and just within the beach, there is a lagoon with three branches, which, in the rainy season, are probably connected with the river.

Baffou point lies nearly 5 miles SSE. from the mouth of the Sangwin, the intermediate coast bending inwards so as to form a deep bay, into which two small rivers discharge themselves, close behind the point, and in which there is much foul ground, though the beach seems to be generally clean. Vessels working along shore should not make too free with this bay, for Baffou rock, on which there are but 12 feet, lies in the stream of the point, bearing from it NW. $\frac{3}{4}$ N. 2 miles, and from Wilson point, at the mouth of the Sangwin, S. $\frac{3}{4}$ E. $2\frac{1}{2}$ miles. The northernmost of the two rivers is called the Baffnee, and possesses a 6-foot, though very narrow, entrance; the other is closed by a shallow sand bar from side to side; and both rivers are connected by one of those narrow lagoons which are so common on this coast. Baffou point should not be approached within half a mile to the westward, as there is a sunken rock off its pitch; another lies close to the southward of it, and irregular reefs of nearly a mile in length project to the northward. A fair anchorage, however, may be taken in 8 fathoms in mud and sand, with the point SE. $\frac{1}{4}$ S., about a mile distant.

189. From Baffou point it is $6\frac{1}{2}$ miles SE. to Tassou. A low and thickly-wooded country lies between them, with several streams of water

barred up by the beach; and many confused heaps of rocks lie strewed along the shore, as well as at a short distance in the offing.

About this part of the coast the Krou country begins, and its inhabitants, whose superior industry and docile habits, when compared with other African tribes, are proverbially known, seemed very numerous. Parties came off from every village expressing a great desire to trade, and displaying their little wares, among which, it was observed that their fishing lines made from the fibres of the palm tree were uncommonly strong and neat.

Between Tassou and the next point of land issues the small river Too-bah, in front of which there is a high rocky ledge which divides the channel; the western branch is the safest, but at low water there are not more in it than 3 feet.

Off Tassou, and in the stream of 9 or 10 fathoms, there is a long range of rocks and dangers; three of them are above water—the Shah, the Wya, and the Keoba. The Shah lies 2 miles WNW. $\frac{1}{4}$ W. from Tassou point; there is deep water around it, except to the northward, in which direction breakers extend about 300 yards.

The Wya bears SSE. $\frac{3}{4}$ E. from the Shah, not quite two miles, and SW. by W. from Tassou Point; it is a large block of rock, with reefs of half a mile in length, both to the northward and southward.

Upwards of a mile to the SE. from that southern reef, and S. by W. $\frac{1}{4}$ W. from Tassou Point, there is a single rock, with nine feet over it; and at another mile, still farther to the SE., the large dry rock called the Keoba shows itself. SE. one mile from the Keoba, there are breakers; and three miles SSE. $\frac{3}{4}$ E. from it, with Boutou Point bearing W. by N., lies Yule rock, the last link of this chain of dangers, which extends almost seven miles from the Shah, in a direction nearly parallel to the coast.

190. Little Bootou is a large village, upwards of two miles SE. from Tassou Point, and four miles farther is Grand Bootou on a projecting point of the coast, behind which is the mouth of the Bootou river. In the space included between the line of the Keoba and Yule rocks and the shore, and between the two Bootous, the general depth is six, seven, and eight fathoms, but interspersed with many rocks, the particular description and positions of which would be useless. The shore is likewise strewn with large rocks. Several small rivulets spend themselves in the sandy beach, and the whole coast is densely peopled.

Grand Boutou Point is easily known by its projecting form, by its town, and by a hill a mile to the eastward, which, with the lofty trees that cover it, measures 265 feet in height. The river winds round between the foot of this hill, after having run for several miles parallel to the shore, and is apparently a branch of the river Sinou. A few rocks hang about Grand Bootou Point, but from thence to Sinou bay the coast, though low, has a clean sandy beach, and between Yule rock and Bloobarra Point there are no detached shoals, so that vessels may stand in with safety; but the soundings are irregular, with occasional patches of rocky ground, requiring care in anchoring.

191. Bloobarra Point forms the southern extremity of Sinou bay; it is composed of three small rocky points, with sandy bays between them. The North Point, at the mouth of the river, is about 57 feet high; the middle point, on which there is a small English factory, is 41 feet; and the land rises from the south point to 60 feet. About 80 fathoms north of

North Point there is a dry patch of rock called the Allens, leaving a clear passage between them and the point into Sinou river; another open passage will be found between the Allens and Middle Reef, and a third between it and North Reef, which stretches nearly across to the northern shore. These reefs were the only dangers discovered in Sinou bay; and vessels may safely anchor half a mile WNW. of Bloobarra Point in eight fathoms, but the bottom should be previously tried, for it contains several small foul patches, though generally a clean sand.

There are three channels by which boats may enter Sinou river—between North Point and the Allens, between the Allens and a large oval sand bank to the eastward of them, and between that bank and Fishtown beach. The first is the best; and by rounding North Point pretty closely, they may carry five or six feet over the bar at low water. The bar is very narrow, and when crossed, the river suddenly deepens to three and four fathoms, but shoals again quickly after hailing up round Fishtown Point, to the northward, where the deepest water will be found close along the Fishtown shore. Water and wood may be obtained here.

192. It is high water at full and change, about 5 o'clock, and the springs rise six feet.

193. The English factory on Bloobarra Point stands in $4^{\circ} 59' 15''$ N. and $9^{\circ} 2' 5''$ W., and the curve of 20° of west variation still seems to follow the line of the coast.

The American Colonization Society have built one of their Liberian factories on the right bank of the river, a little to the northward of Fishtown Point. Two miles to the southeastward of Bloobarra Point the beach is interrupted by a rocky projection, about a mile inland, of which a small round hill will be seen; but, with that exception, the coast preserves its straight, low, and sandy character for eleven miles to Little Krou, and is accompanied the whole way by a long, narrow lagoon, parallel to the shore, and separated from it only by a thin barrier or strip of sand. This lagoon is fed by two rivers—the Bloobah and the Plassa—and a single opening through the barrier serves as a common outlet to the sea for both of them. Little Krou river communicates, also, with the lagoon, but, in the rainy season, it forces an opening for itself through the barrier; from thence the coast bends outwards to the rocky point of Settra Krou.

194. In the eastern half of the interval we have just described, between Bloobarra Point and Settra Krou, there are several off-lying rocks, to which it is necessary to advert: 1. The westernmost of them lies a long mile from the beach, with Mount Plassa E. by N., and a little open to the left of the common opening of the Plassa and Kroubah rivers, which bears E. $\frac{1}{4}$ N.; it is very small, with six fathoms close around, and generally breaks. 2. S. by W. of the above opening, and WNW. of the large tree at Little Krou, there is a wide patch of rocks—some showing above water, some covered, and some only breaking, but all steep-to. 3. A mile further S. by W. than that patch, there is a single rocky head, which generally breaks; and, even if it should not show, it may be easily avoided by keeping the Krou rock (which shall be next described) always to the eastward of SE. 4. The Krou rock is a bare, irregular mass of stones, with five fathoms close around it, except to the eastward, where it is connected with other rocks and long reefs, which stretch over, in the form of an S, nearly to the point of Settra Krou. The outer mass bears W. by N. two miles from that point; and though it is sufficiently obvious during

the day, and the breakers generally audible at night, yet vessels are recommended after dark to keep in the stream of sixteen fathoms at least. 5. From the S-shaped reefs, connected with the Krou rock, other branches diverge to the NW. and NE., so as nearly to fill up the space between Little Krou and Settra Krou.

At Little Krou there is a palm-oil factory belonging to some English merchants, and ships' boats may conveniently land under the shelter of a ledge of rocks which projects from the point. The large tree which marks the position of this village stands on its eastern side, and may be plainly seen from the offing. At Settra Krou, likewise, there is a remarkable tree, which may be distinguished a long way off; and boats may land there safely on the north side of the point.

From Settra Krou, a length of three miles of beach, with long parallel ledges of dry rocks from the projecting points, leads us to the village and river of Kroubah, which in the rainy season is open, and at which cattle may be obtained. SSW. of Settra Krou, two-thirds of a mile, there is a rock which breaks, with seven fathoms close to it; a long mile W. by N. of Neatano Point there is another breaker in ten fathoms; and in the interval between those two rocks, but nearer to the shore, there are several detached shoals, with deep water close alongside.

Again: S. by W. $\frac{1}{4}$ W., fully two and a half miles from Neatano, in the stream of fourteen fathoms, a rocky patch with eight fathoms over it was found; and a mile and a half ESE. of this rock, in the stream of eleven fathoms, the natives alleged that there is another and nearly a wash; and though the boats could not find it, nor the soundings indicate any rise in the ground, yet, on this extraordinary coast, it is very possible that such a rock may exist, as most of the dangers are steep-to. For these numerous rocks, vessels whose business leads them inshore must keep a sharp look-out; but those who are merely running along the coast are advised not to approach it within three or four miles, nor into water less than twenty-five fathoms.

From Neatano, three-quarters of a mile southeastward, lies Tooto Point, with a reef extending from it half a mile to the westward. From thence to Nanna Krou the coast is a low, sandy beach, with many rocks in front; and halfway between them is the outlet of the small river Dehweh, with a lagoon behind the beach, about one mile and a half in length, which is fed by the two branches of this river.

195. From Nanna Krou the coast bends outward, forming King Will's bay; and near the centre of the bay there is a small islet about 15 feet high, covered with brushwood. The shore appears to be very populous, and two small English factories have been established here for the collection of palm oil, there being tolerably good landing near them on either side of the islet, which affords some little shelter. There are a few rocks two cable's length off the point of King Will's Town; and, again, off the point two-thirds of a mile further eastward, but inside of these latter rocks, there is a narrow three fathoms channel.

The western mouth of the Ooro river is three miles and a quarter to the southeastward of King Will's Point; the intermediate coast is low and sandy, with a lagoon inside of the beach; and a little further to the eastward there is a rocky patch three hundred yards from the shore, with a two and a half fathoms channel between them, and steep-to on its outer side.

196. A mile and a half SSW. of that patch lie the Swallow Rocks, consisting of two ledges, which generally break, and a four fathoms rock half a mile SW. of them. From the southern ledge, the above mentioned mouth of the Ooro bears NE. by E. $\frac{1}{4}$ E., and in one with a hill two hundred and sixty feet in height, which stands a couple of miles inshore. There are ten fathoms close to the ledges, and eight fathoms within a cable's length of the SW. rock.

The eastern branch of the Ooro falls into the sea three miles from the former branch, and the whole space between them is occupied by successive chains of rocks which stretch out more than a mile from the beach. Its mouth is concealed from vessels in the offing, by large granite boulders, but it, as well as the western branch, is accessible to the country canoes. Subono, or Little Wappi, a large native village, stands on the right bank of the river, near its mouth.

197. Southeastward one and a half mile from Little Wappi, across a small bay, is Wappi Point, with a lagoon of no great extent, but which spreads both ways along the coast, and on which are the remains of another native town that was called Great Wappi. The outlet of the lagoon is obstructed by rocks and a broad ledge, partly above and partly under water; stretches in a westerly direction for nearly a mile from the shore. Due S. from the end of this ledge about a mile, and SW. by S. from the opening of the lagoon, there is a rock called Flat island by our traders, but by the natives Totwarrah. There are ten fathoms within half a mile of it to the westward and southward; but, from the bearing of SE. by S., all round its eastern side, confused masses of reefs and shoals extend nearly to Middle Nifou, sweeping round far to the southward and almost filling up the whole space between the exterior reef and the shore. Inside of these reefs, and therefore sheltered by them, there is good landing at Little Nifou, on the western side of its rocky point, and on each side of it there are streams of water which are open in the rainy season.

198. At Middle Nifou there are two small rivers—one from the NW., and the other from the NE. They unite in a short lagoon, the outlet of which is open only in the rainy months. The town lies between these; and a mile further, there is another native town, called Great Nifou, off which a shallow reef projects three-quarters of a mile SW. $\frac{1}{4}$ W., with a detached three fathoms rock half a mile to the westward of the end of the reef.

199. Two miles from Great Nifou, a stream of some magnitude falls into the sea. It is called the Droo, and carries six feet over its bar, inside of which it deepens to four fathoms. The best entrance is round the southern point, which is low and rocky, with some large outliers. The opposite point is a sandy spit, which stretches well over towards those rocks. Off its mouth, there are several dangers. One of them, called by the natives the Drootah, is a large block of stone, which shows itself; but a sunken reef stretches out from it to the westward, and to the northward there is a large patch of foul ground. A ledge of three-quarters of a mile in length lies outside of the south point of the river; but there is a three-fathoms channel between them. Two breaking rocks may be seen to the eastward of this ledge; and all the soundings in its vicinity, as well as round the Drootah, are suspiciously irregular, with rocky ground, so that, unless with a view of communicating with the shore, no

vessel should venture to approach it here within twenty fathoms or about three miles.

200. From the rocky point of Droo river, it is about three miles to the Esereogs river, close to the mouth of which there is a large rock, and some scattered rocks a little to the westward of it, as well as a patch on which the sea breaks; but there is a channel two fathoms deep, close along the coast, inside of all these rocks.

Baddoo consists of four towns, which stand on the coast to the westward of the river; and in their vicinity the ground has been well cleared by the natives, and produces abundance of rice. There is tolerably good landing under the lee of the large rock above mentioned, which is about twenty feet high. The entrance of the river is only passable by canoes. Baddoo Point curves out to the southward from the mouth of the river. It is low and sandy; but, half a mile off its pitch, there are several dry rocks, the largest of which is called Dead Islet, with several outlying reefs. The outermost of them bears W. $\frac{3}{4}$ N. from the islet two miles and a quarter; another NW. by W. nearly a mile; and they are all known to seamen by the general name of the Baddoo shoals.

201. The Monkey rock lies S. by E. two miles and a quarter from Dead Islet, and between them there are several reefs and rocks—some of which show above water. The Monkey is one mile and a quarter from the shore, and, as well as the breaker to the westward of it, in the stream of ten fathoms; but all the soundings for half a mile to the southwestward of it are irregular, and the bottom foul and rocky.

Several of these insulated rocks are scattered along this part of the coast. A large one, called the Castle, bears SE. by E. $\frac{1}{2}$ E. from the Monkey two miles and a half. It rises perpendicularly in ten fathoms water, and about three-quarters of a mile from the beach; and vessels should not stand so far in as to bring those two rocks on opposite bearings. The interval of coast between the two points abreast of Dead Islet to Castle rock possesses several small rivers and lagoons; but they are all barred up in the dry season. There is a safe channel for boats with two or three fathoms, and within two hundred yards of the beach—leaving the shoals and islets outside to seaward.

202. These reefs and dry rocks terminate about a mile to the eastward of the Castle rock; and from thence to the river Ferroowah the sandy beach is straight and safe. That river, with its apparently large opening, is only accessible to boats and canoes when the bar is smooth. Its western point is a low spit of sand—the eastern point a bold rock, on which stands the native town of Katoo. The rocks and boulders recommence at this river—there being three near its entrance—and reefs extend from them nearly half a mile to the southward. A large, rocky patch was found two miles W. by S. of Katoo Point, with only six fathoms on it; and nearly in the same direction, but five miles off, several canoes were fishing on a still larger patch of foul ground at the depth of twenty fathoms. Information likewise was obtained of a third patch, with seven fathoms, in the stream of nineteen fathoms, but the surveying boats failed in finding it; and, fourthly, the Pashoo, which lifts its two rocky heads above water, in the stream of nine fathoms, and bears S. by W. a mile and a half from the mouth of the Ferroowah.

203. From Katoo Point to Subboo Point, the coast forms four sandy bays, with rocky points, and many large dry-rock breakers, inside of

which there is a boat channel. The native towns of Picaninny Sesters and Wayako are in this interval.

In front of Wayako, nearly a mile from the shore, and two-thirds of a mile ESE. of Pashoo Rock, there is a shoal patch of 3 fathoms, with deep water on either side of it. Several rocks lie off Sesters Point, at various distances: 1st, The Subboo, a large black rock, NW. by W., two-thirds of a mile from Subboo Point; 2d, a sunk rock between them; 3d, a dangerous rock, SW. by W. $\frac{1}{2}$ W. from the point, with 10 fathoms round it; and, 4th, two patches SSW. from the point, and carrying $2\frac{1}{2}$ and 3 fathoms. From Subboo Point a low sandy beach, clear of rocks, extends nearly two miles to the southeastward; but when it turns more to the southward, towards Sesters Point, it receives the usual accompaniment of shoals and off-lying rocks. Of these, the large rock called the Carpenter will be easily seen; it bears S. $\frac{1}{2}$ E. a mile from the point, and S. by W. $\frac{3}{4}$ W. from the highest part of Sesters Hill. It may be safely approached from the southward, but a long chain of rocks above and under water stretches from it towards the point, round which there is a very narrow 4 fathoms channel.

204. Behind the point Sesters Hill rises 210 feet above the sea; but between the hill and the point there is a narrow lagoon, just inside the beach, and nearly three miles in length, into which the Grand Sesters river pours that portion of its waters which cannot find sufficient vent over the bar. The mouth of this river is about a mile to the eastward of the point; its western point is low and sandy, while the eastern point is rocky, and pushes a ledge almost across to the opposite shore, so as to leave a very narrow entrance, through which boats can pass only when the water is tolerably smooth.

On a rising ground near the eastern point stands the large native town of Grand Sesters, and two English factories, in front of which a large rock called Factory Island sufficiently breaks the swell to allow boats to run upon the beach with tolerable security. Vessels generally anchor in 13 or 14 fathoms, on a muddy bottom, with Factory Island NNE. upwards of a mile distance. Two miles to the eastward of Factory Islet we come to Ranger Point, with a large native village. The point is rocky, but the intermediate coast is a sandy beach, with a few detached rocks outside of it, and a boat channel of 2 fathoms depth between them and the beach. Some rocks lie scattered off the point, also to a distance of 300 or 400 yards. A mile NE. by E. from Ranger Point the land rises into a kind of table hill, so as to give the top of its dense outline of trees an elevation of 190 feet; and on the same line of bearing, two miles further, there are two little hammocks which are named the Paps.

From Ranger Point, eight miles to the eastward, the coast is low, and thickly wooded, with a clean sandy beach, and quite free of rocks as far as a small, nameless river—which was open, but the surf on the bar did not permit the boats to enter. Both points of the entrance are low and sandy, and there is a village on the eastern one. This river comes from the northward, with a small branch from the westward. N. by E. $\frac{3}{4}$ E. from its mouth, and fifteen miles inland, there is a hill 730 feet high, which, from its appearance, is called the Sugar Loaf, and several small hillocks lie between it and the shore. There is also a remarkable grove of trees one and a half mile from the eastern point, so that this part of the coast is easily recognised.

205. An uninterrupted sandy beach continues seven miles further to Garraway river, the northern side of the entrance to which is formed by a long low spit of sand, with two straggling native villages called Bushman's Towns, and in front of them a shallow reef extends offshore half a mile. Two rocky patches lie to the WNW. of this reef—one at half a mile, and the other one and a half mile from it; the latter is three-quarters of a mile from the shore, and there is a depth of 6 fathoms in the channels between them.

Garraway Point, on the eastern side of the entrance, is rocky, but a cluster of large rocks, some above and some under water, covers it from the sea; and outside of this cluster, with a narrow interposing channel of deep water, there is an irregular reef of considerable extent called the Long Patch, its two ends bearing from Garraway Point W. by N. and S. $\frac{1}{2}$ W., and its southern angle SW. by S., a mile distance. Another reef, but of a more compact form, lies immediately to the westward of Garraway Point; it has been named the Tryh Rocks, and there is a channel into the river both E. and W. of it. Lastly, there is a solitary rock in the stream of 9 fathoms, bearing from the point W. $\frac{3}{4}$ N., distance one and a half mile. This river is accessible to canoes and to boats in moderate weather, and the usual channel into it lies between the north sand spit and a large rock near the middle of the entrance, which is connected with Garraway Point by a chain of smaller rocks.

There is a remarkable tree behind Garraway town, the top of which is 200 feet above the sea; it lies ENE., three-quarters of a mile from the point, and is used as one of the objects to distinguish the position of the Coley Rock, which lies seven miles in the offing. In the direction of the tree, but nearly a mile further inland, there is also a conspicuous clump of trees. Green Islet lies a mile to the eastward of Garraway Point, in the middle of a large breaking shoal, between which and the sunken rocks, near the beach, boats may pass in $2\frac{1}{2}$ fathoms.

206. From Garraway Point it is eight miles SE. by S. to Fish-Town Point, the coast between them forming a bay with a clean, sandy beach. In this space are three small rivers: the first, the Jidah, which is closely barred by sand during the dry season, and a mile to the westward of which there is a rocky patch a quarter of a mile off shore, with a four-fathoms channel on the inside, and seven fathoms close to seaward. The Jidah, which flows from the northeast, appeared to communicate with the Garraway river by a narrow lagoon parallel to the coast. The town of New Garraway is on the eastern side of the entrance. Secondly, the Deeah, a small stream, the entrance to which is open, and sometimes passable for boats. From the mouth of the Deeah a long reef, on which the sea breaks with violence, extends W. $\frac{3}{4}$ N. $2\frac{1}{2}$ miles; on its outer end there is a very shoal patch, close to which there are eight fathoms, and on either side of the reef six fathoms. Thirdly, in the bight of the bay the river Manoh, which also is open, though but seldom accessible from the high surf that rolls in along Fish Point.

About half way between the two last rivers a reef, which is steep-to, lies more than half a mile from the beach: a little rocky islet stands close in to the mouth of the Manoh.

207. On Fish-Town Point, which rises about forty feet above the sea, stands the large native town of that name, and near it a factory estab-

lished by Mr. Spence, an English merchant, for collecting rice, which is abundant in this part of the country.

E. $\frac{1}{2}$ N. from the point the Table Hill of Kablah, with its large tree, which stands 290 feet above the sea, is a valuable sea-mark for the several dangers to the southwestward of Cape Palmas.

A reef projects two-thirds of a mile from Fish-Town Point on the bearing of west, with seven fathoms close round it, and there is a detached breaker in ten fathoms a mile NW. $\frac{1}{4}$ W. from that point. Outside of these, at two miles SW. by W. $\frac{1}{4}$ W. from Fish-Town Point, is the Cape Shoal, a ledge of rocks always visible—the sea generally breaking on them with great violence, and sometimes on two straggling heads a little to the eastward of the shoal. The channel between Fish-Town reef and these rocks is rather more than a mile wide, and the depth in it varies from five and a half to eight fathoms, and seven close to the points of the reefs. The bottom is generally a coarse brown sand, with several rocky patches.

208. At $2\frac{1}{2}$ miles W. $\frac{1}{2}$ S. from the Cape shoal, the Coley Rock will be found: it is a mere pinnacle on which the least water is 6 feet, with 10 fathoms to the eastward and 13 close to its other sides. From this very dangerous rock, which was discovered in 1795 by Captain Coley, of the ship "Queen," of London, the remarkable tree at Garraway bears N. $\frac{1}{4}$ E. $7\frac{1}{2}$ miles, Kablah Hill E. by N., Rocktown Point E. by S., and Cape Palmas ESE. $9\frac{1}{2}$ miles. The ground between Coley Rock and the Cape shoal is very uneven, having several rocky heads with 4 or 5 or 6 fathoms, and deeper water close round them: two others will be found outside of the Coley W. by N. a third of a mile, and W. nearly two miles. The quality of the bottom is as variable as the depth, being of rock, coarse sand, gravel, and coral. Vessels bound to Cape Palmas with a leading wind may safely pass inside the Cape shoal, which is always distinguishable by its breakers; and, by keeping nearly mid-channel between it and Fishtown Reef, they will have 7 fathoms; but at night it will be advisable to pass outside of all, with Palmas light E. $\frac{3}{4}$ S. or E. $\frac{1}{2}$ S., or, if the light be not seen, in 25 or 30 fathoms. At Middle Point, a little to the eastward of Fishtown, there are a rivulet and a native town, and a reef which projects about a quarter of a mile WSW.

209. Rocktown Point, where there is a large native settlement on each side of a small river which is quite barred in the dry season, is 54 feet above the sea, and makes very distinctly to vessels in the offing. A succession of reefs extends from the point nearly a mile W. and WSW.; but between it and them there is a narrow $3\frac{1}{2}$ fathoms channel.

From Rocktown Point a sandy beach of about 4 miles in length, and but little curved, terminates at Palmas river. In this space there are two reefs which show themselves by heavy breakers. The outer one is a mile SSE. $\frac{1}{2}$ E. from Rocktown, and rather more than half a mile off shore: the other is not quite a quarter of a mile off shore, with a narrow channel of $3\frac{1}{2}$ fathoms; and between the two channels there are 5 $\frac{1}{2}$ fathoms.

210. Cape Palmas is a rocky peninsula, joined to the main by a low, sandy isthmus; the highest part of it, which is near the centre, is elevated 74 feet above the sea. Its eastern end is covered by a large collection of native houses called Grandtown; but on the remainder of the peninsula a settlement was formed by the Colonization Society of Maryland, in 1835. It has been named Harper, in honor of Mr. R. G. Harper,

of Baltimore, an able and ardent advocate of the poor Africans, and seems likely to answer the enlightened and benevolent views of its founders. Mr. Wilson, an active and pious missionary, had established himself about half a mile from Harper, and at the time of the survey was zealously devoting himself to the religious and moral instruction of the younger native population.

211. Palmas river washes the northern side of the peninsula; its entrance is about 100 yards wide, but several rocks lie in the channel. At low water a depth of three feet was generally found across the bar, inside of which, as far as the boats went, it seldom exceeded a fathom.

In the direction of the peninsula there are some patches of rock: the first lies a cable's length from the cape, with ten feet at low water; the second is partially uncovered at low water, and lies two cable's length from the cape; and the third or outer rock, which is very small, and carries nine feet water, lies about 500 fathoms from the extremity of the cape. The soundings in their vicinity are irregular, and the bottom foul; but on either side of the ten feet inner rock there are channels with three fathoms water; and again, between the large middle patch and the outer rock there is a wide opening with a depth of $4\frac{1}{2}$ fathoms. Strangers, however, should not make free with these passes, even when coming from the eastward and bound to Harper anchorage, but should round all in 9 or 10 fathoms.

On the south side of Cape Palmas, a small rocky island, nearly covered with grass and shrubs, and formerly used by the natives as a depository for their dead, has been called Russwurm island, after the first governor of the American Colony. It is nearly 600 yards in length, with an average breadth of about 70 yards, and a rocky pinnacle on it rises 43 feet above the sea. A ledge of rock extends one hundred yards from its eastern end and terminates in a large rock above water; and half a mile to the eastward of the island, and nearly a quarter of a mile from the shore, there are some breakers with $4\frac{1}{2}$ fathoms close to their south side. Not quite two cable's length W. $\frac{1}{4}$ S. from the western end of the island, there is a dangerous rock with only three feet of water.

The channel which separates the island from the cape affords a good passage to boats, provided they avoid a small rock which lies in the middle.

Behind Cape Palmas there is some elevated land, the highest part of which is called the Flat Mountain, and bears N. by E. $\frac{1}{4}$ E. from the cape, distant 25 miles. The outer edge of the bank of soundings approaches the cape within 13 miles.

The spirited inhabitants of this colony have recently erected a lighthouse on the pitch of Cape Palmas; the light is fixed, and stands about 100 feet above the sea.

212. On the full and change days of the moon, it is high water at 4h. 30m.; but the rise of spring tides scarcely exceeds 4 feet.

213. Another of those narrow, stagnant lagoons, so many of which have been already described on this coast, stretches for 6 miles to the eastward of Cape Palmas. It appears to be fed by a small river, which, except in the rainy season, has not power to break through the sandy barrier that separates it from the sea. The place of this occasional outlet is marked by the depression of the beach; and on each side of it there is

a native village, the inhabitants of which, it is said, sometimes empty the lagoon, by an artificial channel, in order to take the fish.

214. The beach to the eastward of the cape is steep, with one or two conspicuous masses of stone, and some under-water rocks in the surf, as well as at a greater distance in the offing. Of the latter, one bears SE. $\frac{1}{4}$ E. from the light-house nearly 2 miles, carrying three fathoms. In the same direction, but three quarters of a mile farther off, there is a five fathoms rock; and SE. $\frac{1}{4}$ S. 4 miles from the light-house, and in the stream of twelve fathoms, the patch lies on which his Majesty's ship "Athol" struck in 1830; its distance from the nearest shore being 2 miles, with Cape Palmas bearing NW. $\frac{1}{4}$ N., and Growa Point east. The whole interval between those two points is full of rocky heads, but at too great a depth to bring a ship up, except the three above described, as well as a long series of reefs which project nearly 2 miles to the westward from Growa Point. The sea breaks violently on these reefs, which are steep-to, and towards which no vessel should approach at night nearer than fifteen fathoms. There are two native villages near the point.

215. A mile and a half to the eastward of Growa, Cavally Point forms the southern extremity of this part of Africa, in latitude $4^{\circ} 21' 12''$ N., longitude $7^{\circ} 35' 35''$ W. The point, which may be distinguished from the adjacent sandy shore by its black rocky appearance, is encompassed by reefs extending half a mile to seaward. A village called Half Cavally stands on the point, and three other villages a little to the eastward. A mile and a half from Cavally Point there is a large rock which rises from a reef more than a quarter of a mile from the beach; and a mile farther, there is another ledge about half a mile from the shore, with another large dry rock. Sunken reefs lie close along the coast abreast of this ledge, and between them there is a narrow channel with $5\frac{1}{2}$ fathoms. These rocks lie comparatively out of the track of navigation, but between the point and river of Cavally there is a large and dangerous ledge, the outer point of which rises suddenly from ten fathoms, and stretches from thence towards the river. From that outer point Cavally Point bears NW. by W. $\frac{1}{4}$ W. more than two miles, and the white house, at the mouth of the river, ENE. about the same distance. Cavally river issues between two low and sandy points, with a bar before it, which is not always passable by boats. On the western point there is a native town, and near it a white house which belongs to the American settlement at Cape Palmas. A little without, or to seaward of the bar, there are some detached rocks with four and a half fathoms close to the southward.

About three miles to the eastward of Cavally river there is a small rocky islet, half a mile off shore, with a long reef extending from it WSW.; and from the point of the reef to the beach the space is filled with a succession of breakers and ledges of rock.

216. From the above islet to Tafou Point the shore consists of a waving line of sandy beach, along which a few rocks are dispersed at intervals, along with several villages, which convey the idea of a numerous population. The interior appears to be one dense continued forest, but rising occasionally into clumps, either from undulations in the ground, or from the character of the trees. Some of these clumps attain the height of nearly 200 feet above the sea. Tafou Point may be easily distinguished by four tall palms; it is a little bold cliff, with three fathoms close to its foot.

A small river, after expanding itself into a long lagoon, issues about 250 yards to the eastward of the point, through a narrow channel not more than 55 yards in breadth. From Wilson Point a bed of sand and rocks, some of which are dry, stretch out to the S.E. and nearly to Tafou Point; and on the bar between it and William Point there are only three feet at low water. This shallow channel lies along the eastern shore, till a spit of sand, which projects from Wilson Point, and is nearly a wash, is rounded; and even then the water scarcely deepens for a mile within the entrance; nevertheless, this little river is a convenient place for wooding and watering, being easy of access to a ship's boats, as the bar is generally smooth, and having good anchorage, in seven fathoms, within a quarter of a mile of its mouth. At the last of the ebb-tide good fresh water may be obtained in any part of the river; but it is more prudent to procure it about half a mile up abreast of a little detached sand-bank, where the boats may anchor in the middle of the stream and fill their casks alongside. To obtain wood it is necessary to secure the consent of the neighboring chiefs, who style themselves, respectively, the River King and the Hill King. The former possesses two open towns at the entrance of the river, while the dominion of the latter is confined to a single village; but it stands on a rising ground, about half a mile to the eastward, and was well stockaded. They are at first very unreasonable in their demands, but a little patience and a few presents will generally succeed; and then, besides being unmolested while watering, some small cattle, sheep, goats, and fowls, with bananas, sweet potatoes, cassada, pumpkins, and rice, may be procured in exchange for old clothes, tobacco, biscuit, and empty wine-bottles, which latter are always in great request.

Colored cloth and most manufactured articles fetch their full value all along this coast, and are equally coveted by both the kings and their subjects; but above all other things, muskets, powder, and spirits are the great objects for which they contend, and with which they are too often supplied by mischievous visitors.

Some dry rocks lie to the eastward of William Point, and also off James Point, as well as some sunken patches; but the best description of them will be found in the plan. Off the Hill King's village there is likewise a small reef, and all these rocks have $2\frac{1}{2}$ fathoms close to their southern faces. The most dangerous of them lies a quarter of a mile S. $\frac{1}{2}$ E. from Hill King Point; it carries but three feet water, with three fathoms close round it.

On full and change days of the moon, it is high water at 4h. 45m.; spring tides rise four feet.

217. From Tafou Point the coast trends about E. $\frac{1}{2}$ N. to Tabou Point, which is low and foul; and S. $\frac{1}{2}$ W. from which, at three-quarters of a mile distance, there is a rock with only $2\frac{1}{2}$ fathoms, but steep-to from nine fathoms round it. Tabou Point is double, with a village on each of its angles, and close round it to the northward is a barred up river, open probably during the rains.

A mile beyond the point there is a large native village, called Grand Tabou, with an insulated reef in front of it about a quarter of a mile from the shore.

218. The bight between Tabou and Basha Points, except at the above reef, is clean, with regular soundings and with the usual sandy beach; but Basha Point is tipped with rock, and the town upon it stands fifty feet

above the sea. A chain of reefs also commences half a mile to the westward of the point and continues one and three-quarters mile to the north-eastward. They extend more than half a mile off shore, and lie in detached patches, steep-to on the outside, with a boat channel between them and the beach. Basha Point may be known by a large flat-topped tree at the town, and also by a grove which stands about three hundred and forty feet above the sea, on a rising ground N. by E. $\frac{1}{2}$ E., five miles distance; Doo Enoon hill, fifteen miles in nearly the same direction, is likewise a conspicuous object. About a mile to the eastward of the point Grand Basha river makes its exit, and, like the major part of the rivers on this coast, forms a junction with another stream just at the seashore. There is a bar before it, and also two reefs a short distance outside of the bar, leaving a narrow boat-channel between them.

219. From thence three and a half miles of a broad and nearly straight beach lead to Wappoo Point, a small rocky cliff, on which a native town stands about sixty or seventy feet above the sea, and quite safe and bold on its southern face. But to the eastward there are some straggling rocks along the shore for the space of a mile, none of which project more than three hundred yards. At Wappoo there is a large tree similar to that at Basha, and a mile N. $\frac{3}{4}$ W. from the tree there is a grove, the top of which is about three hundred and fifty feet above the sea.

There is no permanent opening through the beach at Wappoo, but a large body of water that accumulates there sometimes issues just to the westward of the cliff. This water is connected with a long and very narrow lagoon which lies close behind the beach and reaches to the river Poor, a distance of nine miles. The sandy barrier that separates this lagoon from the sea is, as usual, covered with trees, but occasional bare spots show where the swelling waters burst through it in the rainy season.

220. Poor Point is on the western side of the river; it is low and rocky, and some rocks run off to the eastward more than a quarter of a mile in front of the entrance, which is very narrow, but not entirely closed. These rocks, many of which are above water, are steep-to, having four fathoms close to them to seaward. The main branch of the Poor comes from the northward. From the river Poor to the rocky bluff of Kadahboo, the distance is ten miles ENE. $\frac{1}{2}$ E. The coast between them consists of a succession of sandy bights with rocky points, and the whole country appears a vast forest rising gradually into dark wooded hills, one of which, called Bereby Copse, (N. $\frac{3}{4}$ W. two and a half miles from Poor Point) is three hundred feet above the sea. The native town of Half Bereby stands upon the second point from Poor river, and the numerous villages near the shore show it to be thickly peopled. At the third point, three miles from Poor river, commences an extensive line of reefs, lying parallel to the coast for four and a half miles, and terminating rather more than half a mile to the SW. of Divile Rock. The average breadth of this chain of reefs is about a mile, and there is a safe passage for boats between it and the shore, with irregular soundings from one and a half to four and a half fathoms. This whole chain is steep-to, on the outside there being six fathoms within a few yards of it, and further out there are no dangers, the soundings being quite regular from thirty fathoms at five miles in the offing.

221. Divile Rock is a large oval mass, rising forty-six feet above the sea: the base is dark, but the numerous sea-fowl, of which it is the constant resort, have blanched its flat summit. It lies about two and a half miles

WSW. of Kadahboo Bluff, and two-thirds of a mile from the shore abreast of it. ENE. from it, a third of a mile, there is a sunken rock, upon which the sea breaks. These rocks are both steep-to on the south side, having six fathoms close to them; and there is a channel of four to five and a half fathoms between them and the shore.

222. Kadahboo Bluff is a bold rocky point in latitude $4^{\circ} 39' 0''$ N. and longitude $6^{\circ} 54' 15''$ W. The southeast extremity is cleared of trees; and the bare summit, on which stands the native town of Yeh, is one hundred and twenty feet above the level of the sea. From the bluff the shore makes a sudden turn to the northward for about a mile to the mouth of the Nahno river; and on a rising ground in the interval stands Grand Bereby. Abreast of this town and a quarter of a mile off shore, there are some rocks called the Goomarah Reef, with a boat channel between them and the beach. The Nahno river pours out a small volume of water, but its sheltered position enables it to keep down the bar so as to be always open for boats. There are some rocks immediately off its mouth with two fathoms inside of them.

There are several hills by which this place may be recognised from the offing, two standing together called the Sisters, three miles NW. of the bluff; Acol, a sharp pointed hill NNE. five miles; and sixteen miles in the same direction, the Oval mountain, one thousand three hundred and fifteen feet above the sea. When near the shore it is known by the sudden recess of the bay and the peculiar form of the bluff, as well as by Katum Rock, a large white mass which lies a mile and a quarter ENE. from the point of Kadahboo.

223. From Grand Bereby there is a long waving line of sandy beach trending about E. by S. thirteen miles to Tahou Point, which is rocky. The numerous native settlements along this part of the shore are called generally the villages of Tahou. The land is thickly wooded and of moderate elevation; the tops of the highest trees near Tahou Point being two hundred and ninety feet above the sea.

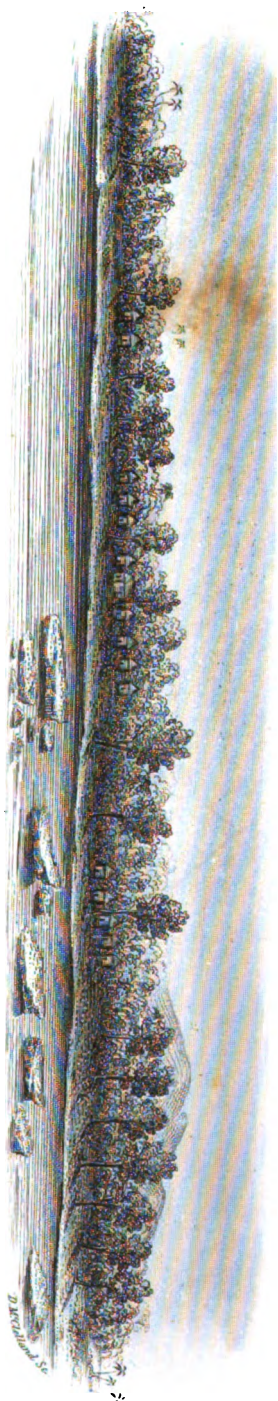
In this extent of coast there are many rocks, large and small, above and under water. The first group occurs $1\frac{1}{2}$ mile to the eastward of the large white rock of Katum; it is more than 2 miles in length, and runs off three-quarters of a mile from the shore. (2) At $5\frac{1}{2}$ miles from the Katum, and $1\frac{1}{4}$ mile from the shore, a large white rock with 9 fathoms round it, to which the natives have given the name of the Brooni, or White Man. (3) Some breakers rather more than half a mile WSW. from the Brooni, in the stream of 10 fathoms; and (4) abreast of it, near the shore, there is a patch of dry rocks, with a channel of $3\frac{1}{2}$ fathoms between them and the beach. (5) E. $\frac{1}{4}$ S., 2 miles from the Brooni, a rocky ledge with 5 fathoms, in the stream of 10 fathoms. (6) Half way between that ledge and Tahou Point, and about half a mile from the beach, a sunken rock, inside of which there is a channel of 5 fathoms. (7) A mile further to the eastward another patch, nearly in the meridian of a high grove of trees. And (8) just to the westward of Tahou Point, a series of rocks commences which nearly surrounds the point, and in one place stretches off nearly a mile. Some of them are large masses of dark stone above water, and a narrow channel may be picked out through them, with $3\frac{1}{2}$ fathoms water. All these rocks are steep-to on the outside.

224. Tahou Point is steep-to, with 4 fathoms close off it; and here the

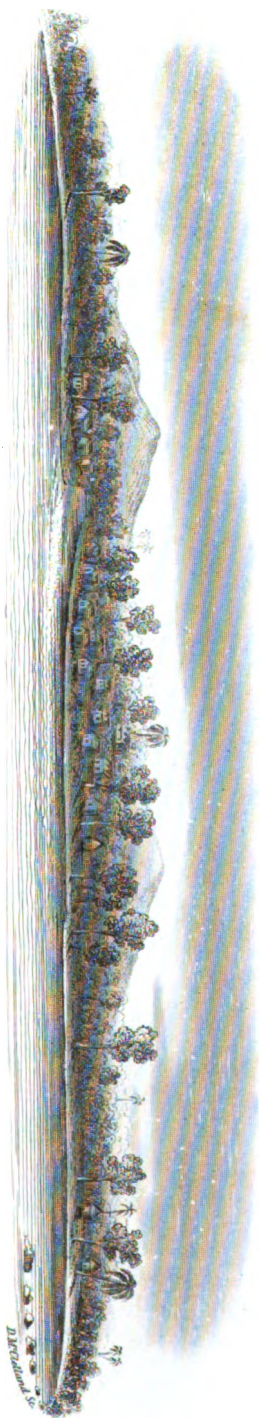
shore changes its character, broken and irregular hills coming down to the beach.

The river San Pedro, which is 3 miles to the eastward of the point, appears to be a large sheet of water with a little islet in its centre, but during the survey it was entirely barred up by a broad bank of sand. San Pedro Point intervenes between that river and Highland river, which is a fine open stream issuing from behind Highland Point, and into which the boats freely entered by a channel carrying 6 feet at low water. From Tahou Point to this place the shore is fringed by a succession of rocks and breakers, called the shoals of San Pedro; they are all steep to on the outer face; they do not project more than half a mile, and they leave a safe 3-fathoms channel along the beach for boats.

225. Highland Point, which, by its shelter, leaves the bar of the river generally passable, is a rocky peninsula, quite bold, and safe in its approach; and a hill of the same character rises immediately from the isthmus to the height of 350 feet. Another small river appears to the westward of the point.



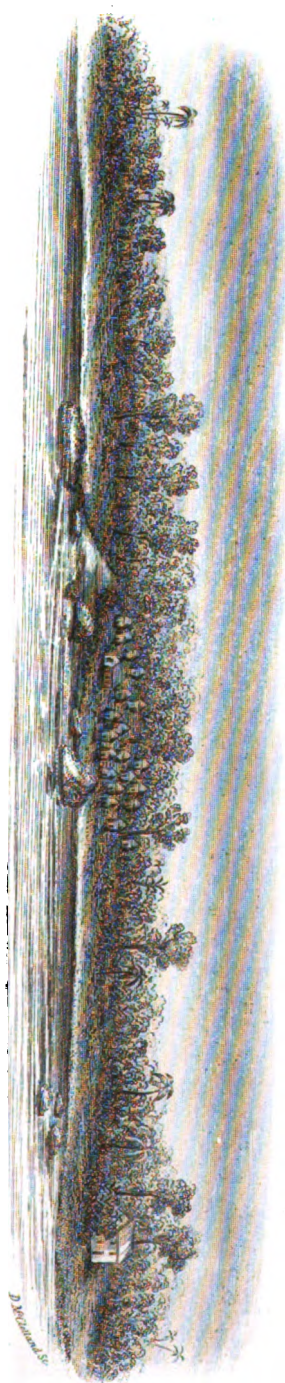
Grand Culloch



Edma.

Bassa.

Fish Town.



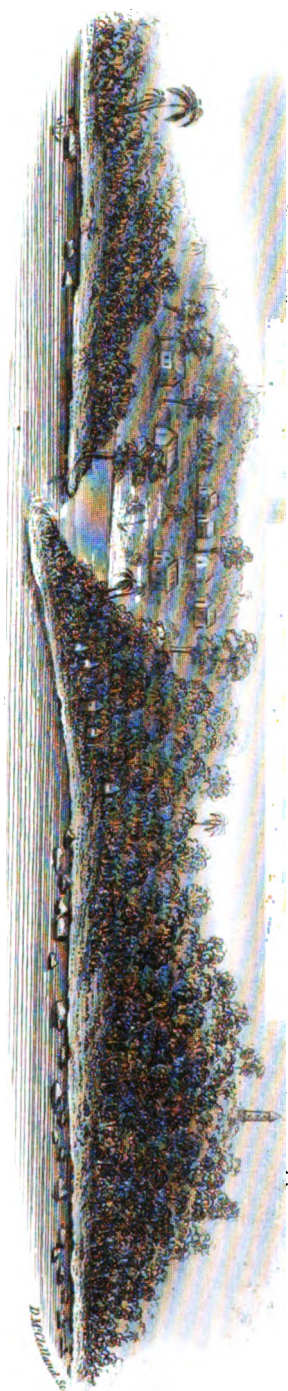
Serra Koon.



Cape Palmas.

Dead Island.

S. E. A. No 73, 1st Series, 31st Group



Cape Montserrat.

SEE N° 1514° SACS 31° LONG



Sidon Crenville.

Blue Barva.

Statement exhibiting the value of imports from Africa generally, (west coast,) from 1844 to 1849.

Years ending	Bullion and specie.	Dyewood.	Copper ore.	Hides and skins.	Coffee.		Cocoa.		Dates.	
					Pounds.	Value.	Pounds.	Value.	Pounds.	Value.
June 30, 1844.	999,983	\$36,686	\$1,977	.....	500,593	\$34,301	10,903	\$589	.....	.....
1845.	68,264	16,931	4,398	.....	208,497	20,036	10,600	689	.....	.....
1846.	58,041	17,018	4,373	.....	84,243	8,529	1,893	354	.....	.....
1847.	114,334	24,286	188	\$80,096	1,104,428	22,664	16,537	840	181,454	\$2,153
1848.	88,918	10,166	5,536	168,749	57,567	5,316	16,869	36	169,207	4,720
1849.	91,093	3,410	2,811	148,825	88,462	6,915	.....	.....	.....	.....

STATEMENT—Continued.

Years ending	Nuts.		Cloves and cinnamon.		Red pepper.		Ginger.		Total value.
	Pounds.	Value.	Pounds.	Value.	Pounds.	Value.	Pounds.	Value.	
June 30, 1844.	698,144	\$10,673	.....	.....	10,900	\$1,058	30,987	\$1,616	\$459,237
1845.	150,225	2,361	.....	.....	12,885	1,159	64,712	4,495	572,126
1846.	.....	.....	.....	.....	19,447	2,711	64,884	4,983	475,040
1847.	349,038	8,418	.....	.....	80,954	9,544	111,913	4,342	559,842
1848.	848,452	16,778	.....	.....	76,510	5,751	412,987	15,907	655,585
1849.	150,364	4,816	.....	.....	27,730	3,661	297,914	10,806	495,743

J—Continued.

Summary view of the value of exports and imports to and from the red coast of Africa, from 1844 to 1849.

Years ending	Value of exports.			Value of imports.
	Domestic produce, &c.	Foreign merchandise.*	Total.	
June 30, 1844.....	\$641, 306	\$68, 938	\$710, 244	\$499, 257
1845.....	525, 563	79, 543	605, 106	572, 136
1846.....	553, 380	78, 971	632, 351	473, 040
1847.....	700, 431	44, 499	744, 930	563, 662
1848.....	771, 389	61, 403	832, 792	655, 376
1849.....	676, 769	31, 642	708, 411	485, 740

* Cottons, and other articles suitable for the trade on the coast.

TREASURY DEPARTMENT,
Register's Office, February 30, 1850.

TOWNSEND HAINES, Register.

Statement exhibiting the value of domestic produce and manufactures to Africa generally (west coast) from 1844 to 1849.

Years.	Flour.		Tobacco.			Spirits.		
	Barrels.	Value.	Leaf—hhds.	Manufactured—pounds.	Value.	From molasses.	From grain.	Value.
1844.....	3,708	\$20,991	2,579	40,813	\$189,330	432,249	17,744	\$124,502
1845.....	4,385	21,756	1,604	32,093	107,024	246,137	52,374	84,169
1846.....	4,755	26,650	785	434,253	87,248	412,379	36,690	133,954
1847.....	25,728	134,164	1,776	125,516	144,331	378,832	34,333	118,538
1848.....	5,838	39,296	2,429	322,349	240,141	243,597	48,348	94,045
1849.....	4,617	27,670	1,583	54,374	139,097	304,665	20,029	92,510

STATEMENT—Continued.

Years.	Gunpowder.		Domestic cottons, &c.—value of.	All other articles.	Total value.
	Pounds.	Value.			
1844.....	497,551	\$52,881	\$149,644	\$103,958	\$641,306
1845.....	576,139	59,560	137,653	115,401	525,583
1846.....	506,486	51,688	149,089	104,751	553,380
1847.....	360,201	38,071	131,267	134,060	706,431
1848.....	543,373	58,076	162,289	177,542	771,389
1849.....	547,329	57,709	164,047	195,736	676,769

TREASURY DEPARTMENT, Register's Office, Feb. 20, 1850.

TOWNSEND HAINES, Register.

K.

Statistics of Monrovia, the capital of the Republic of Liberia, West Africa.

No.		
13	Stone stores.	
3	Wood and stone stores.	
40	Stone dwelling-houses.	
51	Wood and stone dwelling-houses.	
90	Wood dwelling-houses.	
30	Thatch dwelling-houses.	
130	Outhouses.	
3	Churches.....	Methodist Episcopal Church, Baptist and Presbyterians.
2	School-houses	Brick and stone, Methodist Episcopal mission, occupied ; 1 rented by New York ladies, and has 7 pupils.
1	Market-house	Stone, 40 by 20 feet.
8	Shoemakers' shops.	
1	Tanning establishment.....	Conducted by D. Wood, esq.
4	Blacksmiths' shops.	
1	Cabinet maker's establishment.	
2	Printing offices.....	No. 1, Methodist Episcopal mission ; No. 2, owned and managed by citizens.
1	Prison	Stone.
3	Tailors' shops.....	Stone.
1	Court-house	Stone.
1	Senate hall	Stone.
1	Government house.....	Wood and stone—old and out of repair.
1	English school and pupils.....	New York ladies ; pupils 70 ; teachers, B. V. R. James and lady.
1	Classical school and pupils	Presbyterian Board of Missions ; pupils, 8 ; teacher, H. W. Ellis.
	Academies.	
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COMMUNICATION

OF

R. H. WEIGHTMAN,

AND

Accompanying memorial of the Legislature of New Mexico, setting forth sundry grievances, and calling upon Congress for their correction.

SEPTEMBER 12, 1850.

Ordered to lie on the table.

SEPTEMBER 17, 1850.

Ordered to be printed.

WASHINGTON CITY, September 11, 1850.

SIR: By the resolution of the legislature of New Mexico herewith enclosed, the senators and representatives are instructed to lay before Congress the accompanying memorial of that body, and to use every exertion to correct the abuses of every class mentioned therein.

Anterior to the admission of New Mexico as a State of the Union, having been chosen by its legislature a senator, as is shown by the accompanying certificate, I find myself in the position of an agent or representative of a community which seeks to be placed upon a footing of equality, as regards political rights, with other communities of similar numerical and territorial importance.

In my character, then, as agent or representative of a community resident within the limits of the United States, and exceeding in number 80,000 souls, I trust I commit no impropriety in submitting through you, sir, to the Senate, views which obtain in the community which has honored me with its confidence, trusting and believing that though they may not command the assent, they will meet with the calm consideration of the honorable body over which you preside.

The admission of New Mexico as a State of the Union is the only measure which will correct all the abuses mentioned in the memorial I have the honor to submit.

In no other form of government do the people have the right of representation in the National Legislature; a right which in the year 1776 was deemed "inestimable to them and formidable to tyrants only."

In no other form of government are the officers responsible to the people.

Under a liberal territorial form of government, for instance, though many of the abuses mentioned in the memorial might doubtless be corrected, still the governor, secretary, judges, &c., would be altogether irresponsible

to the people, who would also be deprived of the inestimable right of representation.

The denial of these rights to the people will be found mentioned in the list of grievances which induced the Representatives of the United States of America in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of their intentions, to declare the United Colonies absolved from all allegiance to the British Crown, and to speak of the English King in these words: "A Prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a free people."

Though the people of New Mexico, in presenting their constitution, approach Congress by memorial, it is not to be taken for granted that Congress is at liberty to decline granting the prayer of the petitioners.

The words of the constitution, section 3, article 4, "New States may be admitted by the Congress into this Union," merely designate the branch of the government upon which is conferred the power of admitting new States.

A community containing of inhabitants a near approximation to the ratio of representation, presenting a republican constitution, is entitled, as a matter of right, to admission into the Union; an inquiry by Congress into these two facts would seem to be the limit of the discretion conferred upon it.

In stating this general proposition, I beg leave to be understood as making a distinction between the right and the power. To illustrate: under the 2d clause, section 3, article 4, which gives Congress the power to make all needful rules and regulations respecting the territories, &c., Congress might exercise the *power* to give a community of 100,000 souls a military government, combining all the abuses so emphatically condemned in the Declaration of Independence, but doubtless Congress would not have the *right* to do this.

Again: two communities, equal in numerical and territorial importance, apply for admission under similar constitutions. Congress has *power* to admit the one and refuse the other, but clearly not the *right*, for to do so would be tyranny; and tyranny Congress surely cannot commit, as it lives, and moves, and has its being under a constitution which was established by the people of the United States, "in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and posterity."

There is a limit, then, to the discretion which Congress may rightfully exercise in regard to the admission of new States, which, being looked for in the constitution, is found in clause 3, sec. 2, art. 1, regulating the apportionment of representatives among the several States according to their respective numbers; and in sec. 4, art. 4, which guarantees to every State a republican form of government. Any other exercise of discretion by Congress is not founded on law, and is therefore the essence of tyranny.

These views are only applicable to cases of application by communities within the territorial limits of the United States—to the admission of foreign communities, as in the case of Texas, they have no applicability. In the one class of cases Congress confirms a right—in the other confers a boon.

New Mexico, a community important in numbers and territorial extent, whose inhabitants are, with the exception of an inconsiderable number, citizens of the United States, principally adopted citizens, whose right to enjoy the blessings of liberty under a republican constitution is not the less perfect on that account—a community who, knowing their rights, and awaiting justice from the Congress, have submitted to oppressions from which native citizens would promptly and forcibly have relieved themselves, in order that no man might suspect their fealty to the United States—New Mexico comes forward and asks to be admitted into the Union under a republican constitution, which has been ratified by the almost unanimous vote of her people.

The native sons of the United States living in New Mexico knew their right to equality of privileges. They told their adopted fellow-citizens that, though acquired by purchase, and not of American blood, they might confidently expect from Congress equal, not diminished rights; that the colonial system was repugnant to the constitution and laws and people of the United States; that sympathy and kindly hands would be extended to them; and they were believed.

The question of the capacity of the people of New Mexico for self-government, the undersigned, as their representative, does not think it necessary to discuss, as the doctrine of the incapacity of the people is not of republican origin, and finds advocates only among the supporters of monarchical governments and the divine right.

I enclose the memorial of the convention which formed the constitution recently transmitted to Congress by the President. It is important as showing the unanimity of the people in their opinions regarding the melancholy state of the country in reference to Indian murders and depredations, and the inadequateness of the government under which the people for the last four years have suffered; for, of the two parties which have divided New Mexico, the one had a majority in the convention and the other in the legislature, and the two memorials taken together may be considered as the exponent of feeling and opinion of the entire people of New Mexico.

As the inaugural address and message to the legislature of Governor Alvarez throw light upon New Mexican affairs, I enclose them for the information of the Senate.

With much respect, I have the honor to be, sir, your very ob't servant,
R. H. WEIGHTMAN.

To the VICE PRESIDENT of the United States
and PRESIDENT of the Senate.

Memorial of the legislature of New Mexico to the Congress of the United States of America.

The legislature of New Mexico to the Congress of the United States respectfully represents: That, by the treaty of Guadalupe Hidalgo, the faith of the United States was pledged to protect the inhabitants of New Mexico in their lives, their liberties, their property, and the free exercise of their religion, without restriction.

That, upon the expiration of the year mentioned in that treaty, the in-

habitants of New Mexico were invested with the rights of citizens of the United States, and became entitled to all the privileges as such, guaranteed by the constitution.

That, owing to disturbing causes which have embarrassed the action of the Congress, the inhabitants of New Mexico have neither been protected in their lives, their liberties, their property, nor in the free exercise of their religion, without restriction, nor have they been in the enjoyment of any political privileges whatsoever.

Hostile Indians penetrate the country in every direction, and rob, and kill, and carry into captivity.

We are despoiled of our flocks and herds, our men are murdered, our children carried into captivity, and our wives and daughters violated.

Comanche Indians have, within a few days, approached within a few miles of the capital, and compelled the terror-stricken and unprotected inhabitants of the village of Galisteo to furnish them with supplies, and to perform menial services.

The depredations of the Navajoes and Apaches in the south, and of the Eutaws and Jicarrillas in the north, have rendered industry of no avail, and destroyed the two great resources of grazing and mining.

An insufficient number of soldiers, posted not upon the frontier, but in the larger towns, hear of these outrages when the foe is safe beyond the reach of pursuit.

Foot artillery or infantry, with knapsack and musket, cannot pursue, with any prospect of success, mounted Indians.

The post of the troops should be the frontier, in the enemy's country, and ease and comfort must be laid aside if success would be obtained; energy—the energy of youth—can alone reduce our enemies.

The inhabitants of New Mexico, since February 2, 1848, have groaned under a harsh law, forced upon them in time of war, when they were thought undeserving of confidence.

The military is independent of and superior to the civil power.

The inhabitants have no voice or influence in making the laws by which they are governed. Some power other than the Congress of the United States has made judges, dependent on its will alone for the tenure of their offices, and the amount and payment of their salaries.

Some power, other than the Congress of the United States, has subjected us to a jurisdiction foreign to the constitution, and unacknowledged by our laws.

We are taxed without our consent, and the taxes, when collected, are not appropriated for the public benefit, but embezzled by officers irresponsible to the people.

No public officer in New Mexico is responsible to the people: judges unlearned in the laws decide upon life, liberty, and property. Prefects and alcaldes impose fines and incarcerate, without the intervention of a jury.

Alcaldes assail the right of the people freely to exercise their religion without restriction, and dictate to congregations what priest shall administer the sacrament of the church.

The inhabitants of New Mexico have twice appealed to Congress for redress; and their repeated appeals have been answered by repeated neglect.

The Congress, because of disturbing causes, having failed to make

needful rules and regulations respecting the Territory of New Mexico, its inhabitants, encouraged by the President of the United States, and driven by necessity, have formed and ratified a constitution, elected a governor, vice governor, and members of the legislature.

The legislature is now engaged, in the absence of congressional legislation, in making laws suited to the wants of the people, and consistent with the constitution of the United States.

In putting in operation the form of government set forth in the constitution, they believe they have done no act inconsistent with a proper respect to the government of the United States. The form of government adopted by the people of New Mexico is set up in opposition to no government recognised by Congress, or known to the constitution and laws, but simply takes the place, under circumstances of urgent necessity, of an unacknowledged government, which has utterly failed to protect the inhabitants of New Mexico in their dearest rights, or to preserve the plighted faith of the government of the United States.

And be it resolved by the said legislature, That our senators and representatives in the Congress of the United States be instructed to present the above memorial to the Congress of the United States, and use every exertion to correct the abuses of every class therein mentioned.

W. Z. AUGNEY,

Speaker of House of Representatives.

JOSE NANGLE,

President of Senate.

Inaugural Address of Governor Manuel Alvaréz, of New Mexico, of July 4, 1850.

The legislature of the State of New Mexico having met for the first time under the constitution just adopted by the people, upon it will devolve the solemn duty of meeting the many contingencies and introducing the various reforms which may be deemed necessary in passing from an inferior condition of political existence to the lofty attitude of a petitioner for admission into the sisterhood of the American Union.

Hitherto, and since the incoming of the American army in 1846, the people have been subjected to the control of a government half civil and half military, and have from necessity participated largely in the evils inherent in such a mixed government. To the people not having hitherto been embraced by congressional legislation in the classes of Territories, nor having any other civil polity but the one simply of consent to the government found existing on the termination of the late war with Mexico, it has always been competent to organize such a form of government as to them might seem most just and beneficial.

We have occupied the strange position of an independent people, living on the soil of the United States; and yet without the provision of such a government as would best promote our prosperity and security.

The will of the people acting peaceably is our only and our sovereign guide. In the first organization of government for a people surrounded by circumstances such as we have been, there is no formality nor any legally prescribed mode of ascertaining the popular will; if that will be obtained

in any fair and reasonable way, it is the ruling power, the sovereign law, to which the minority is bound to submit. Nor are any nice technicalities to be observed, provided the wishes of the majority are substantially ascertained. Such was our position up to the time of the adoption of the constitution. By such adoption we have established a fundamental law which is the primary voice of the people, is the highest and most obligatory over us, and must be sacredly obeyed, observed and respected, until the same strong voice that proclaimed shall choose to undo it. Hitherto we have had no constitutional guide proceeding from the sovereignty of the people: now, by our own act we are a constitutional people, and a constitutionally organized government.

There is no power above this act of the people, if we except only the Congress of the United States, which may, if it deem proper, reject our constitution or amend it, or might insist upon giving us a territorial form of government. As the latter is highly improbable, and as we have cogent reasons for believing that the general government favors our State organization, it is not likely that our present position will be disturbed until the people choose to reform their constitution. Our present commandant of the 9th military department, urged by instructions from Washington, conscious of the evils necessarily emanating from a mixed government, and no doubt tired of the anomalous position he has occupied, responded promptly to the call of the people asking for a convention, and recommended elections for delegates. As it should have been, this proclamation was issued unconditionally. The people held elections under it; the delegates met, formed their organic law, and the people in their popular majesty have ratified it, and made it the first law in the State.

The convention chose a second time the same commandant, in order to insure harmony and concert in the holding of the elections, to proclaim the day of the election and the officers to be selected, to which Colonel Munroe readily answered. The elections have taken place; and as the constitution has been almost unanimously adopted by the people, so also all the offices, from governor to representative, have been filled. This, then, is the will of the people proclaimed by themselves.

Your body is organized—you have taken the oath prescribed by the constitution, and the government is organized. If your organization is good for any one act, it is good for all: if it be good to elect senators to Congress, it is sufficient to make all constitutional reforms in our system and our laws necessary for our peace, honor, happiness, or security.

I recommend to the legislature the example of good order, unanimity, and patriotism set by the people in the late election. I trust that your councils and your acts will be marked by zeal for the public weal, and ardent patriotism to reform the abuses that have for a long time existed in the government. You will have difficulties to encounter and labors to perform, but I hope you will neither falter nor fatigue.

When I discover in your body many of the most patriotic, talented, and virtuous men of the country, I feel assured that your determinations will be marked with prudence and wisdom. You have all a heartfelt interest in the prosperity of the country, and will not be willing to return to your homes and your families until you have done the public good service. You have my earnest prayers for success in correcting the evils with which the country has long been afflicted.

I will take an early occasion to lay before both houses a notice of the subjects in my opinion most loudly calling for your consideration, and meanwhile remain,

Your fellow-citizen,

MANL. ALVAREZ.

Communication of Governor Alvarez, of July 8, 1850.

In my inaugural address of July 4, 1850, I intimated to the legislature that at an early date I would take occasion to call your attention to the subjects in my opinion most worthy your serious consideration, and most important to the well-being of the people. It is believed that the great evils that afflict the community are resolvable into: 1st. Insecurity against the external enemy, as Apaches, Navajoes, and other Indian tribes; 2d. The loss of property by the acts of evil-doers who live among us, and habitually prey upon our rights and our property; and, 3d. The disuse of the vagrant law, allowing opportunity to the evil and depraved to beset and plunder the industrious and honest; 4th. The prevalence of gaming, which attacks and debauches all classes of society; 5th. The inefficient, dilatory, and unsatisfactory manner in which the judicial functions of the government have been conducted for the last three years.

To these subjects your attention is strongly directed, since it is believed that in arresting these evils the tone of public morals will be elevated, and a new era opened to the people.

With this view, I recommend the passage of a law to fix on a just and permanent basis the system of peonage now prevailing in the State, by which rights both of the employer and the employed will be protected.

I recommend the passage of a law to establish some good and proper plan for the summoning and selection of jurymen, to secure to litigants the fair adjudication of their cases. To this end, I recommend that a sufficient jury panel, to be composed of honest and respectable and intelligent men, be selected to serve during the court, or during one week of the court, with such compensation as may be deemed by the legislature just and necessary.

I recommend the abolition of the office of prefect, and suggest the propriety of imposing on the circuit court the functions heretofore exercised by these officers, with the exception of the supervision of the collection and disbursement of county funds and the control of vagrants; which last matters I would respectfully suggest might be part of the duty of the alcalde of the first instance.

It is submitted to the General Assembly whether it would not be proper to constitute in each county an alcalde, to be denominated the alcalde of the first instance; who, in addition to the jurisdiction enjoyed by the other alcaldes, should have the supervision of vagrants, the adjudications of all cases of right of property where the value does not exceed fifty dollars, the trial and punishment (with the aid of a jury) of all cases of petit larceny; the right to grant the writ of *habeas corpus*, and the supervision and disposition of the county revenues, insofar as the same have heretofore been enjoyed by the prefects.

In regard to the Pueblo Indians, it is recommended that a law be passed imposing upon such officer as may be designated the duty of submitting to them the question of taxation and political suffrage,

and giving to them sufficient time to determine whether they prefer to exercise the latter with subjection to the former, or whether they reject the former, which should deprive them of the latter. Should the Pueblos choose not to be taxed, then it is deemed proper to relieve them from the burden, as they deprive themselves of the political privileges of the government, and to secure them in all their ancient rights and privileges, and their internal, political, and police regulations.

It is recommended that it be made the duty of some officer existing by nature of the constitution, or constituted by law, to visit the several counties of the State at least twice a year, to examine into the manner in which the alcaldes conduct themselves in office; and that it be his duty to represent to the governor all instances of malfeasances, misfeasance, or nonfeasance, by such officers; and giving also to the governor power to suspend such alcalde until the matters complained of may be legally investigated.

It is further suggested that, as the subject of a general diffusion of education is one intimately connected with the moral, social, and political growth and condition of the people, it claims the early and earnest attention of the legislature.

The noblest gift of this newly organized State to her people would be the establishment of a sound and economical system of common schools, and the conferment on every village of the blessing of a school-room and a competent teacher.

Among other matters, the collection of a revenue sufficient to meet the economical wants of the State will claim your serious consideration. It may, meantime, be necessary to pass a law to negotiate a loan sufficient to print the laws, and meet necessary accruing expenses. It will be for the General Assembly to determine the manner of making, and the extent of such a loan.

It is respectfully urged that, in imposing a taxation, it be made as light as circumstances will permit; that the subjects of taxation pointed out by the constitution be made to bear a fair share of this burden; and that the administration of justice be made to bear, as far as practicable, a portion of its costs.

It is proposed to fix a tax upon every writ issued by the clerks of the circuit court, and that a jury tax of \$3 be taxed on every case in the circuit court tried by jury, to aid in defraying the expenses of the several counties.

Your attention is also directed to the propriety of passing stringent laws on the subject of larceny. The general prevalence of this crime demands from you rigid enactments and severe punishments.

It is hoped proper steps will be taken to secure the uniform, regular, and speedy adjudication of law cases, and that the great delays in their final settlement by adjournment from term to term will hereafter be avoided, and that the legislature will, by legal enactments, enforce all officers to a strict, prompt, and complete discharge of all the duties of their respective offices.

It will be necessary to pass rigid laws on the subject of elections, to secure the people in their rights, to avoid frauds in voting, and to punish with just and exemplary chastisement all public officers who may be so hardy, or so lost to duty, as to attempt to curtail or to infringe this sacred right.

Laws for the election of sheriffs and alcaldes it is suggested it would be expedient to adopt as soon as practicable, that the people may have an opportunity of choosing their immediate public servants.

By conferring on the people the choice of their public officers is to extend the sphere of democratic liberty, to fix in the servant a just accountability, and to beget a wholesome spirit of popular zeal and patriotic emulation.

The attention of the legislature is respectfully called to the propriety of addressing a memorial to the American Congress on the subject of the proper military dispositions for the State. The insecurity to which the people have been heretofore exposed, the continual loss of life and property for want of sufficient military force, and the internal location of the soldiery, leave room for a loud appeal to the general government. Prosperity is impossible while savage tribes living on our frontiers are perpetually despoiling the inhabitants of their richest and most valuable property.

In recommending these subjects to your consideration, I repeat the desire to see your deliberations marked with a zeal and patriotism to serve the public interests.

Most respectfully,

MANUEL ALVAREZ.

The legislature of this State, on the eleventh day of July, A. D. eighteen hundred and fifty, having, in pursuance of the constitution of the United States of America, chosen Richard H. Weightman a senator of the United States, I, Manuel Alvarez, acting governor of the State of New Mexico, do hereby certify the same to the Senate of the United States.

Given under my hand and seal, (there being no great seal for the State,) this fifteenth day of July, A. D. eighteen hundred and fifty, at Santa Fe.

MANUEL ALVAREZ. [L. s.]

By the governor:

LEWIS D. SHEETZ,
Secretary of State.

To the Congress of the United States:

Your memorialists, delegates to a convention elected by the people of New Mexico to frame a State constitution, having closed their labors, respectfully submit the result to the consideration of your honorable body.

In framing this constitution we have endeavored to keep in view the great principles of republican liberty, and at the same time the desires and the necessities of the people we represent; and in the name of the people of New Mexico we present to you this constitution, and respectfully, but earnestly, urge our immediate admission into the Union.

For four years we have suffered under a government inadequate to the protection of our rights in person or property, or such as we are entitled to as citizens of the United States.

We were promised at the time New Mexico was taken possession of by the American forces, in 1846, the extension of a civil government over us, and protection against the savage foes, which on all sides surround

us; and under the treaty with Mexico we were *assured* of our being speedily placed under the full protection of the constitution, with all the rights and privileges of citizens of the United States. We relied confidently on the promises held out to us; we relied still more on the treaty stipulations; but in all have we been disappointed. Twice have we appealed to Congress, and as often have we failed to obtain its favorable consideration of our situation.

We are without protection from our savage foes; our country is on all sides invaded. Barbarous invaders drive off our flocks and herds by thousands; our citizens, men, women, and children, are murdered or carried into captivity, and hundreds are now suffering a bondage worse than death; our communications from town to town and village have become dangerous; everywhere is met the lurking foe; all enterprise and industry is paralyzed, and many of our citizens are abandoning a country thus insecure and unprotected, feeling, notwithstanding all the promises held out to them, that, in regard to protection against our Indian enemies, New Mexico is now in a worse condition than it has been for the last fifty years.

Our population is diminishing, our wealth is decreasing, and unless we are soon relieved by the favorable consideration of our condition by the government of the United States, ruin to New Mexico must inevitably follow.

Feeling conscious that in this representation of our condition we do not exaggerate, we, as citizens of a common country, entitled to the same rights with all, claim your protection.

Together with our appeal to you for the adoption of our constitution, and our admission into the Union, we earnestly claim from the government an adequate military force, to be properly stationed for the protection of our frontier, and to aid in the extension of settlements on the many fertile valleys of our valuable public domain, now utterly impassable on account of our barbarous enemies.

Never having received donation or aid from the general government, we confidently rely upon the justice and liberality of Congress, upon our admission into the Union, to grant us the means of educating the rising generation, and the means to establish ourselves as a respectable State.

For the furtherance of these objects, we respectfully ask Congress for the donation of the salines or salt lakes within the boundaries of our territory. We respectfully ask a donation of public lands, or an appropriation by Congress in lieu thereof, for the same purposes.

We respectfully ask a donation of all public buildings acquired in the conquest of New Mexico, for the uses of State.

We ask an appropriation from Congress for the purposes of a survey and exploration of New Mexico, in order to develop its great mineral wealth and general resources, now little understood, and the investigation of which is utterly impossible by private enterprise, in consequence of the Indian foe everywhere to be encountered.

In submitting our constitution to your honorable body, and asking for it your favorable consideration, we feel conscious that, as a people numbering more than seventy thousand souls, situated as we are, we are not unreasonable in making the above requests, and therefore confidently

rely upon your justice and wisdom for speedy and effectual relief from
our present situation.

JAMES H. QUINN, *President.*

J. HOUGHTON.

CHAS. OVERMAN.

LEVI J. KEITHLY.

T. MANL. GALLEGER.

FRANCO. ONIR Y DELGADO.

CERAN ST. VRAIN.

THOS. S. J. JOHNSON.

GEORGE GOLD.

JOSÉ MA. MARTINEZ.

JOSÉ PABLO GALLEGER.

JOSÉ ANTO. MANSANARES.

RAMON LENOS.

JOSÉ ANTO. BALD. Y PINOZ.

JUAN PERCA.

ANTONIO JOSÉ OTERO.

MURRAY Y. SULEY.

ROBERT CURY, *Secretary.*

—————VIGIL.

REPORT
OF
THE POSTMASTER GENERAL,

IN RELATION TO

Alleged non-compliance of contract of steam-vessels carrying the United States mail; in answer to a resolution of the Senate of the 28th of August, 1850.

SEPTEMBER 24, 1850.

Read, and ordered to be printed.

POST OFFICE DEPARTMENT,
September 23, 1850.

SIR: I have the honor to submit the following, in reply to the inquiries addressed to me in the resolution of the Senate of the 28th of August last:

To the first inquiry I reply: 1st. That I am not aware of any particular in which the Collins line of ocean steamers, on the route from New York to Liverpool and back, has failed to fulfil the contract as the same was modified by the act of March 3, 1849. 2d. I do not know of any non-fulfilment of contract on the part of the Charleston and Havana line. 3d. It is understood in this department that the performances on the New York, Southampton, and Bremen line by the two ships first placed in the service, and which are the pioneers of the American steam mail packets, are not equal quite to the speed promised; but the third and fourth ships, which are to run on the Havre branch, are expected fully to come up to their engagements in this respect. The fourth ship is not yet completed. Twenty-six trips have been performed and paid for, full deduction having been made for the six trips omitted. 4th. I am informed by the Secretary of the Navy, in whose department the contract of the New York and Chagres line was made, that the steamships of that line were not placed in service as early as the contract stipulated, but in ample season, it appears, to put the mail in due connexion at Panama with the first conveyance to San Francisco provided under the contract for transporting the mail from Panama to that point. There were subsequently some irregularities producing disconnexions at Panama with the Pacific steamers to San Francisco, resulting from the effort of the contractors to embrace New Orleans in the direct trip to and from Chagres, as petitioned for by the citizens of New Orleans, instead of making the connexion between New Orleans and Chagres by way of Havana. This was done at a time when it was yet undecided between the Secretary of the Navy and the Post-

master General who, under the law, should take charge of the arrangements of the schedules of departures and arrivals, and none were at the time prescribed. The second monthly trip to Chagres was put in operation in January, 1850, instead of October, 1849. I understand that full deduction for this omitted service will be exacted at the Navy Department when payment under the contract is made. In respect to the mails, no detriment resulted from the want of the second monthly trip to Chagres, as there was no provision for a second monthly conveyance beyond. 5th. There was a loss of one trip each way on the Panama and Oregon line at the commencement of the service, in consequence of the desertion of the first ship at San Francisco by the entire crew at a time when the naval vessels at the same port could with difficulty retain their men, for which full pay was deducted by the Secretary of the Navy, as I am informed. On inquiry at the Navy Department, I do not learn of any other particulars in which that line has been deemed in default.

To the second inquiry, I reply that there are three ships in service in the Bremen and Havre line, (one just entered,) and that four are required. One in the Charleston and Havana line, which is all that is required. There are three in service in the New York and Chagres line; one of which has been accepted by the Secretary of the Navy, and one, as I am informed, is ready for acceptance, except coppering. The full number in the contract is five. In the Panama and Oregon line there are three accepted into the service, and five running on the line. The number specified in the contract is to be not less than three. In the Collins line, between New York and Liverpool, there are two ships in service, and five is the full number provided for in the contract.

In reply to the third inquiry, I refer to the annexed tables, marked A and B, to show how much money has been paid to each line by the Post Office and Navy Departments respectively, and what remains to be paid. Such payments were made under the act of Congress to provide for the transportation of the mail between the United States and foreign countries, and for other purposes, approved 3d March, 1845; the appropriation act for the service of the Post Office Department, approved June 19, 1846; the appropriation act for the same service, approved March 2, 1847; the act to provide for the building and equipment of four naval steamships, approved March 3, 1847; the act to establish certain post routes, and for other purposes, approved on the same day; the appropriation act for the Post Office service, approved July 10, 1848; the appropriation act for the naval service, approved August 3, 1848; the like act approved March 3, 1849; and the appropriation act for the Post Office service, approved March 3, 1849.

The answer to the 4th inquiry will appear, so far as it is in the power of this department to furnish it, by reference to the annexed table, marked C. This information is not obtained from the regularly audited accounts of the department, which are not so kept as to show separately the amounts of postages arising on each line of conveyance, but from statements (necessarily more in the nature of memoranda than regular accounts) which have been required of certain postmasters. It will be seen that one line is omitted, and there may be inaccuracies in other respects.

Understanding that the last interrogatory refers to the steamships, I answer it in the affirmative, so far as this department possesses information

on the subject, with the exception of the failures noted in my reply to the first inquiry, and an instance where the mails of New Orleans were left behind on a trip to Chagres in September, 1849. The irregularities occurring in the despatch and delivery of the mails going by ocean steamers, over and above the occasional errors to which the service is subject on all routes, have occurred chiefly upon their transit between Chagres and Panama, which is an anomalous service, now performed by another government for the United States, under an existing treaty.

I have the honor to be, very respectfully, your obedient servant,

N. K. HALL,
Postmaster General.

To the Hon. W. R. KING,
President of the Senate U. S.

A.

Amount of moneys paid by the Post Office Department to the several steam lines, up to the 30th of June, 1850.

Lines.	Date of payments.	Amount paid.	Amount paid each fiscal year.
Ocean Steam Navigation Co., (or Bremen line)..	Dec. 13, 1847	\$33,333 33	\$83,333 33
	Mar. 4, 1848	16,666 67	
	April 15, 1848	16,666 66	
	June 12, 1848	16,666 66	
	July 20, 1848	16,666 67	\$83,333 33
	Aug. 16, 1848	16,666 66	
	Sept. 21, 1848	16,666 67	
	Oct. 17, 1848	16,666 66	
	Jan. 19, 1849	50,000 00	
	April 18, 1849	16,666 67	
	July 31, 1849	50,000 00	
	Oct. 12, 1849	50,000 00	\$150,000 00
	Jan. 9, 1850	33,333 33	
	April 13, 1850	16,666 67	
	May 16, 1850	16,666 67	
	June 18, 1850	16,666 66	
	July 20, 1850	16,666 67	
Total amount to June 30, 1850			416,666 65
Charleston and Havana.....	Jan. 29, 1849	10,086 22	\$35,086 22
	May 12, 1849	11,250 00	
	May 24, 1849	1,250 00	
	Aug. 13, 1849	12,500 00	
	Nov. 23, 1849	12,500 00	\$50,000 00
	Jan. 12, 1850	12,500 00	
	April 13, 1850	12,500 00	
	July 18, 1850	12,500 00	
Total amount to June 30, 1850			85,086 22

AUDITOR'S OFFICE, POST OFFICE DEPARTMENT,
September 20, 1850.

SIR: As the companies are all paid up as soon as evidence is at hand that the service has been performed, nothing "remains to be paid" for service up to June 30, 1850.

Respectfully submitted:

J. W. FARRELLY, Auditor.

Hon. N. K. HALL, Postmaster General.

B.

Sums advanced and payments made by the Navy Department to the mail steam lines authorized by the act of Congress approved March 3, 1847.

PANAMA AND OREGON LINE.

1848, September.....	Advanced under the act approved August 3,	
	1848.....	\$199,000 00
1850, May 3.....	Paid for service performed to March 31, 1850.	63,569 45
1850, August 1.....	Paid for service performed to June 30, 1850..	45,694 17
		<u>\$308,173 62</u>

NEW YORK AND CHAGRES LINE.

1848, September.....	Advance.....	50,000 00
	October.....do.....	75,000 00
	November.....do.....	50,000 00
	December.....do.....	50,000 00
1849, Jan. and March.....	do.....	65,000 00
		<u>290,000 00</u>

NEW YORK AND LIVERPOOL LINE.

1849, February.....	Advance.....	50,000 00
	April.....do.....	100,000 00
	May.....do.....	42,500 00
1850, April.....	do.....	75,000 00
	May.....do.....	50,000 00
		<u>317,500 00</u>

No payment for service performed has been made to either the New York and Liverpool line or the New York and Chagres line.

The amount advanced to the New York and Liverpool line is not the full amount of one year's compensation stipulated for in the contract. But four vessels of this line have been launched. There remains to be advanced \$67,500.

NAVY DEPARTMENT, September 19, 1850.

JNO. ETHERIDGE, *Chf Clerk.*

C.

Amount of postage derived from each line of ocean steamers, as appears from statements furnished by postmasters at the ports from whence the steamers depart.

Lines.	Years.	Amount.
1. Ocean Steam Navigation Company, or Bremen line.....	June 1, 1847, to Oct. 4, 1848 Oct. 5, 1848, to Oct. 4, 1849 Oct. 5, 1849, to June 30, 1850	\$29,093 51 61,114 39 42,370 41 132,567 12

NOTE.—These amounts have been reported in this mode down to October instead of June 30; and a division of them now, by the regular fiscal year, cannot be made.

2. Charleston and Havana		
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NOTE.—No statements having been received from the postmaster of Charleston, South Carolina, it is impossible at present to report the amount of postage which has accrued on this line.

3. New York and Chagres.....	Dec. 1, 1848, to June 30, 1849	\$22,635 63
4. Panama and Oregon.....	July 1, 1849, to June 30, 1850	249,968 99
		272,603 93

NOTE.—It is impossible, from the manner in which this postage has been reported, and from the nature of the case, to exhibit the postage of each of these lines separately.

5. Collins's line.....	Apr. 27, ... to June 30, 1850	\$10,391 41
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Respectfully submitted:

Hon. N. K. HALL, *Postmaster General.*

J. W. FARRELLY,
Auditor for Post Office Department.

REPORT
OF
THE SECRETARY OF STATE

RELATIVE

***To suits instituted in courts of admiralty in the United States against
foreign vessels entering our ports.***

JUNE 18, 1850.

Read, and referred to the Committee on Commerce.

SEPTEMBER 27, 1850.

Committee discharged, and ordered to be printed.

**DEPARTMENT OF STATE,
Washington, June, 1850.**

The Secretary of State, in obedience to a resolution of the Senate of the 15th instant, directing him to report to that body "any evidence in his department of vexatious suits instituted in any of the courts of admiralty in the United States against foreign vessels entering our ports," has the honor respectfully to submit the accompanying papers, which contain all the information in this department called for by their resolution.

JOHN M. CLAYTON.

To the SENATE of the United States.

WASHINGTON, November 21, 1849.

SIR: With reference to our late conversation, I have the honor to inclose herewith the copy of a letter which has been addressed to me by her Majesty's consul at Philadelphia, representing to me a case which places in a strong point of view the injurious effects produced by the undue and unnecessary interference of lawyers and of judges in admiralty in the United States in cases arising between the masters and seamen of British vessels, and clearly appertaining to the jurisdiction of her Majesty's consuls.

I am aware, sir, that cases of the nature of that reported to me by Mr. Consul Peter, if brought by appeal into the courts above, would be dismissed as being without the jurisdiction of the United States. It is evident, however, that masters or owners of British vessels could seldom avail themselves of this means of obtaining redress, which would, at all events, be attended with such delay and expense as seriously to affect

mercantile business in the ports of the United States to which British vessels resort.

Cases very similar to that of the British brigantine "Contest," now submitted to your consideration, have, at different times, been mentioned to me as of frequent occurrence by her Majesty's consuls at the ports of Baltimore and New York. I think it, therefore, my duty to call the attention of the United States government to this matter, with the view to the adoption of such measures as may appear to them best calculated to prevent the practice complained of.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

HON. JOHN M. CLAYTON, &c., &c., &c.

BRITISH CONSULATE, *Philadelphia*, October 25, 1849.

SIR: In consequence of the frequent troubles, expenses, and delays to which the masters and owners of British vessels arriving in the port of Philadelphia are exposed, through the uncalled-for and unnecessary interference of its judges and lawyers in cases wholly British, I am at length induced to lay the following case before you, with a request that you will submit it to some of the government authorities at Washington, and inform me of their opinion on the subject:

It appears that John Bettison, master of the British brigantine "Contest," had some trifling dispute with his cook, Joseph Robinson, who was in the habit of absenting himself without leave from duty on board; that, on Thursday, 18th of October, the master, out of all patience with the fellow, exclaimed that he wished he had taken himself off altogether, and that he should not care to give a couple of dollars to be well rid of him; that, in the course of the day, without any further communication having taken place between them, Robinson left the vessel, and took up his quarters at one of the low boarding-houses which abound in all seaports, by the keeper of which (a colored man, of the name of Whartman) he was introduced to Mr. R. P. Kane, an admiralty court proctor, who persuaded him (in order to prevent the master from deducting anything from his wages for the times he had absented himself from duty on board*) to libel the vessel, and remove the case from the jurisdiction of the British consul into that of the admiralty, of which his brother, Thomas L. Kane, was the clerk, and his father, the Hon. John K. Kane, the presiding judge.

On being informed of the matter, the consul instantly entered his protest against the whole proceeding, stating that the vessel was a British vessel, that the parties interested were both British subjects, and that the whole matter in litigation had arisen during a voyage of the said vessel not yet completed; that, therefore he, the consul, did respectfully, but at the same time most strongly, protest against the arrest and detention of

*By 7 and 8 Victoria, cap. 112, sec. VII, any seaman absenting himself without leave from the ship, or otherwise from his duty, shall forfeit out of his wages the amount of two days' pay.

the said vessel and master—the same being done without sanction of the consul, and without any authority or foundation in fact or law, the matter in dispute between the said parties being exclusively within the jurisdiction of British authority. The judge, however, the said John K. Kane, chose to decide that the case was within *his*, and not the *consul's*, jurisdiction, and gave judgment accordingly in favor of his son's client.

Thus has a British vessel been most unjustly detained in this port, her owners and master put to much expense and trouble, and all in a trifling case, which might, and otherwise would, have been decided by the British consul in ten minutes, and without a cent's expense to either party.

Nor is this a solitary case. Though there have been repeated decisions in the courts of the United States that they have no jurisdiction in cases of contracts made by foreigners in and under the laws of a foreign country, yet are there lawyers in this city who are perpetually interfering with British vessels, fomenting quarrels between their masters and crews, and giving rise to a state of insubordination and license which must, sooner or later, prove deeply detrimental to the mercantile interests of the whole world. At this moment, there are two other British vessels in the predicament of the "Contest;" and, with a judge like Mr. Kane, there can be little doubt as to what will be the result. But, even if we do succeed in freeing them from arrest, the mere delay and costs of defence will impose no light penalty on the owners. Under these circumstances, I am sure you will not consider me as unnecessarily troubling you if I request that the whole matter may be laid before some of the government authorities at Washington, and that you will have the goodness to acquaint me with the result—the matter being of the greatest importance to British vessels, of which there [are] several now lying in this port.

WILLIAM PETER,

Her Majesty's Consul, Philadelphia.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

P. S.—I understand that Judge Kane is now endeavoring to excuse himself by saying that Robinson was no longer a British seaman, having been discharged from his contract as such by what Bettison had said to him on the 18th; whereas, had his Honor consulted 7 and 8 Victoria, cap. 118, section XLVI, or listened to those who had done so, he would have known that no British seaman can be discharged abroad, abandoned, or left behind, without the previous sanction in writing of the consul.

W. P.

WASHINGTON, February 11, 1850.

SIR: In consequence of representations made to me by Mr. Peter, her Majesty's consul at Philadelphia, respecting some abuses of authority committed by the admiralty judge at that place, I deem it well to send you a detailed statement of the facts connected with certain cases in which the conduct of the functionary in question appears to have been particularly reprehensible.

I trust you will give the case your best attention, and do whatever is in your power to remedy the irregularities complained of.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

H. L. BULWER

Hon. J. M. CLAYTON, &c., &c., &c.

CASE OF THE BRITISH SHIP "CONTEST."

UNITED STATES DISTRICT COURT for Eastern Pennsylvania:

JOSEPH ROBINSON

vs.

THE BRITISH BRIGANTINE "COMPTESSE." } *In Admiralty.*

In this case it appears that John Bettison, master of the British brigantine "Contest," (erroneously attached as the "Comptesse,") had some trifling disputes with the ship's cook, Joseph Robinson, who had at various times absented himself from his duties on board of the said ship; that, on Thursday, the 18th of October, the master, out of all patience with him for his repeated absences, exclaimed that he wished he had taken himself off altogether, and that he should not mind a couple of dollars to be well rid of him, (or words to that effect;) that, in the course of the same or the following day, Robinson again disappeared, without leave of the master, who was then obliged to hire a cook *pro tempore* in Robinson's place; that Robinson, having taken up his quarters at one of the low boarding-houses which abound in all seaports, became in some way or other acquainted with Mr. R. P. Kane, a proctor in the admiralty court, by whom he was induced (in order, probably, to prevent the master from deducting anything from Robinson's wages for his frequent absences, and for the substitute whom he had been obliged to hire in his place) to libel the said vessel, and to remove the case from the jurisdiction of the British consul into that of the Philadelphia admiralty court, of which his brother was the chief clerk, and his father the sole judge.

On being informed of the matter, the consul entered his protest against the whole proceeding—stating that the "Contest" was a British vessel, that the parties were British subjects, that the contract between them had been made in and under the laws of the British empire, and that the matter in litigation had arisen during a voyage of the said vessel not yet completed; that, therefore, he (the consul) did respectfully, but strongly, protest against the arrest and detainer of the said vessel and master—the same being done without his (the said consul's) sanction, and the matter in dispute being exclusively of British concernment, and within the jurisdiction of British authority.

The judge, (Kane,) however, insisted that the case was within his, and not within the consul's, jurisdiction; that the statute of Victoria only extended to the case of seamen discharged without *their own* consent; that the words uttered by the captain, (about wishing himself well rid of the libellant,) with the employment of another man in his place, amounted to a discharge; and that the captain, therefore, was bound to pay the libellant his full wages, together with all costs of suit.

Thus has a vessel been arrested and detained in the port of Philadelphia; her master and owner put to much trouble and expense; and this, too, *without having been guilty of any offence whatsoever, without having violated, or even in the slightest way infringed, any law, either American or English!* Some of Judge Kane's friends have endeavored to palliate his conduct on the occasion by stating that the pecuniary damage sustained by the respondent was small, and the delay occasioned to the vessel but of short duration! But this does not alter the case. Whether the damage amount to one hundred thousand or to one hundred dollars, whether the delay be for a twelvemonth or for a week, the injustice to the respondent, the danger to other ship-owners, are the same.

The "logic" which would sustain the learned judge in the present instance might equally sustain him in acts (as Clarendon says of the celebrated ship-money judgment in England) "that left no man anything which he might call his own." There is not a reason given by him for mulcting and delaying the brigantine "Contest" but concludes (to almost any amount of money or any extent of time) every other foreign vessel that enters the Delaware.

CASE OF THE BRITISH BRIG "ACHSAH".

FRIDAY, October 26, 1849.

UNITED STATES DISTRICT COURT for Eastern Pennsylvania:

JOHN ORR

vs.

BRITISH BRIG "ACHSAH."

} In Admiralty.

[The said brig had been originally detained, under an order of the admiralty court, for a breach of the American passenger-act. The bail, however, demanded on the occasion, from the master, John Morell, being \$15,000, a greater amount than he was able to procure, he for a while absconded, leaving his ship in custody of the court, and his crew at large, without money or means of present support. Under these circumstances, there being no regular consignee or other person to protect her, the consul had them all properly lodged and taken care of, until instructions on the subject should be received from the owner in England, or from some one appointed in his place, when it might be arranged between him and the consul whether the men should be paid off and transferred to some other British ship or sent forward on their yet unfinished voyage. With this arrangement, accompanied by the assurance of the consul that full justice should be done to each and every of them, they all (and John Orr among the rest) expressed themselves fully satisfied. In this state things remained until about three weeks since, when letters were received from the owner to a respectable merchant of the port, Mr. Allibone, appointed to act for him, and when Messrs. Van Dyke & Co., (the lawyers who had been the means of first arresting the vessel,) fearing that their case was not quite so strong as they had at first imagined, and that she might at length escape from their clutches, prevailed on the present libellant to put in a claim for wages, and a further detainer on the ship.]

The libel was, in this case, for wages under a contract made at Sunderland, in England, by the libellant, John Orr, for the performance of a voyage to the United States, and from thence back to England. A plea to the jurisdiction was filed by Thos. Allibone, intervening for the owners, on the ground that the proceedings had not the sanction of the British consul. The libellant supported his claim on the following pleas: 1st. That the voyage had been broken up by the arrest of the vessel; and 2dly. That he, the libellant, had been discharged by the British consul from the vessel on account of ill usage received during the voyage hither.

Judge Kane.—The plea to the jurisdiction must be dismissed. There appears to be a very erroneous impression out of doors as to consular rights in matters of this kind. Consuls can neither confer nor take away the jurisdiction of this court. The contract is a maritime one; and it is competent for a court, sitting in any country, to decide upon it. If it appeared, from the pleadings in evidence, that justice could not be done here as effectually between the parties as it might be in their home country, then that national comity which is recognised in every country, upon principles of public policy, would seem to require that parties should be referred to their home tribunal, unless the consul of their nation should ask an adjudication here; but it has always been held that, where the vessel is within the jurisdiction of the court, and the voyage has been broken up, or the seamen discharged, the court within whose jurisdiction the property is will adjudicate the case—and this, although the consul of the foreign nation may not consent, or even should object. Should our court refuse to interfere, and to exercise jurisdiction, manifest injustice would arise, by a master having the power to discharge seamen while absent from their home, penniless, and without the means of redress. Judicially we are acquainted with no consular courts; and if such exist by the laws of foreign nations, their decrees are not recognised, nor can they be enforced in this or any other country. In those cases where a consul is permitted to intervene and object, it is done as a matter of grace, and not as a matter of right, and because the foreign tribunals, believing that more ample justice can be done in home courts, will refer the parties to their home tribunals. In all real actions of the civil law, the proper form is the *locus rei sitæ*.

It would be unjust in this case to send the libellant home to seek redress, when the vessel, against every plank of which he has the first claim, may be kept here and distributed among creditors. My refusal to hear this case, or the refusal of an English court to hear a similar case from this country, would be a disregard of that national comity which should always be recognised, inasmuch as it would be denying a party the best means of obtaining his legal rights. It has been the universal practice of the British courts to exercise this jurisdiction; and in doing it, they have been rendering but justice to American seamen. Except this court, in this instance, had power to put the master under obligation to return to his country and take with him the vessel and witnesses necessary to support the libellant's case, which cannot be denied, manifest injustice would be done to the libellant. There is no question but that justice can be done here more effectually than by reference to the home tribunal.

Further hearing adjourned to Friday, November 2.

FRIDAY, November 2, 1849.

UNITED STATES DISTRICT COURT of Eastern Pennsylvania:

JOHN ORR

vs.

THE BRITISH BRIG "ACHSAH."

} In Admiralty.

On the further hearing of this case, Mr. Waln, for the respondent, proposed to enter the following protest from the British consul against the arrest and detainer of the said vessel, as well as against the pleas, statements, and pretexts by which such arrest and detainer had been attempted to be sustained:

Orr vs. British brig "Achsa."

Whereas a libel has been filed in this court against the British brig "Achsa," for wages stated to be due under a contract made by the libellant, John Orr, for the performance of a voyage to the United States, and thence back to England; and whereas the said libellant has endeavored to support his claim by pretending that the voyage has been broken up, and he (the said libellant) discharged from the said vessel by the British consul; and whereas the judge of the court, the Honorable John K. Kane, has claimed to have jurisdiction in and over the said case, stating that "the contract is a maritime one," and that therefore "it is competent for a court in any country to decide upon it;" and whereas he, the said judge, further states, that, "should the court refuse to exercise such jurisdiction, manifest injustice would arise, by a master having the power to discharge seamen, while absent from their homes, penniless, and without means of redress," and, moreover, that "it would be unjust, in this case, to send the libellant home, when the vessel, against every plank of which he has the first claim, may be kept here and distributed among creditors;" and whereas the said judge yet further states, that "it has been the universal practice of the British courts to exercise this jurisdiction." Now know all men, that I, William Peter, her Britannic Majesty's consul for the State of Pennsylvania, do hereby most respectfully, but at the same time most strongly, protest against the arrest and detainer of the British brig "Achsa," as well as against the pleas, statements, and pretexts by which such arrest and detainer have been attempted to be sustained.

And first, I do deny that the voyage of the said ship (however interrupted by the interferences of this court) has been broken up and ended, or the libellant discharged from his contract of service, either by me, the said consul, or by any one acting in my name, or under my authority; and further, and in like manner, do I also deny that the contract ("maritime," foreign, or by whatsoever name the court may be pleased to designate it) is a contract which "it is competent" (as it has been stated by the learned judge) "for a court in any country to decide upon"—it being a contract between Englishmen, made in England, and under English law, and in nowise relating to the people of the United States, or of any other country save and except the people of Great Britain. And as to "the master having power to discharge seamen, whilst absent from their homes, penniless, and without redress," the master possesses no such power; and no such case, therefore, as that contemplated by the court, can occur—it being enacted by the 7 and 8 Victoria, c. 112, s. XLVI, that (in order to prevent all such

mischiefs) no seaman of any ship belonging to any of her Majesty's subjects shall be discharged *abroad* without the previous sanction of the minister, consul, or vice-consul, or, in the absence of any such functionary, then of two respectable merchants resident there—such sanction to be by them on the ship's articles endorsed. And as to the libellant, in this or any other case, being "*sent home to seek redress, when the vessel, against every plank of which he has the first claim, may be kept here and distributed amongst creditors,*" no injustice of this kind can, by any possibility, arise, as it would, under such circumstances, become the consul's duty to put in and enforce the crew's claim for wages as a lien upon the ship, and, as such, to see it satisfied, before any distribution be allowed to take place amongst the creditors. Holding, too, as he does, the ship's register and papers in his hands, he would not deliver them up until fullest justice had been done to each and every individual of the crew having any claim on the said ship.*

Further, as to its being "*the universal practice of the British courts to exercise this jurisdiction,*" (as seems to have been so unadvisedly assumed by the learned judge,) I have most respectfully to submit, that such is *not* the fact. In no British port, where there is either a minister, or consul, or accredited agent, of the American or other foreign government, would British courts presume to interfere, except on the application of such foreign functionary, and with the consent of the parties interested—and *this*, not merely as an act of "national comity," but as the long-approved practice of all civilized communities.

As to any *benefit* resulting to foreign countries from the court's interference in cases of this kind, there can be *none*. In the case of Robinson, (decided by the court last week, at much trouble and expense to the captain and the ship-owner,) the whole matter might, and would, but for such interference, have been settled without a cent's expense or an hour's delay to either party—not, indeed, (as seems to have been so gratuitously assumed,) by a distant "home tribunal," but by the British consul, at his office, in Philadelphia; and in Orr's (the present libellant's) case, there is even less ground for foreign intervention. The amount of wages claimed by him, and admitted by the respondents, is the same; and nothing either was or now is wanting but the liberation of the vessel for the consul to determine whether he (the said libellant) shall be paid off here or sent forward on his yet unfinished voyage. Indeed, no one could have had less cause of complaint than the said libellant, as, from the time of the "Achsah's" first arrest down to that of his falling into the hands of the admiralty proctor, the consul had seen him and his fellows all properly lodged and provided for, with every assurance of their claims being duly attended to, and of the ship (in case they should be discharged) not being permitted to leave the port until amplest justice should have been rendered to each and every one of them.

In conclusion—believing that the jurisdiction now sought to be estab-

*Whenever any ship is sold, or the services of any seamen shall terminate *abroad*, it becomes the consul's duty to see all justice done, to see that the master gives "to each of the crew and to each of the seamen, whose service shall terminate as aforesaid, a certificate of discharge, and also his register-ticket, and, besides paying the wages to which they shall be respectively entitled, either provide them with adequate employment on board of some other British vessel homeward bound, or furnish the means of sending them back to the port in her Majesty's dominions at which they were originally shipped, or to such other port of the United Kingdom as shall be agreed upon."—(See 7 and 8 Victoria, c. 112, s. 17.)

lished by the court, in cases like the present, is as unwarranted by the long practice as it is by the general "comity" of nations; that it is not only of no possible service or advantage to the United States or Great Britain, but of positive detriment to both, causing, as it cannot fail to do, insubordination amongst ships' crews, trouble and delay to ships' masters, serious expense to ships' owners, and consequent damage and loss to all those great commercial interests which, as her Britannic Majesty's consul at this port, I am especially appointed to promote and to defend—satisfied of these truths, I once more respectfully, but firmly, protest against the jurisdiction of this court, and the further detainer of the British brig "Achsah."

WILLIAM PETER.

BRITISH CONSULATE, *Philadelphia*, November 1, 1849.

The judge, considering the above protest (of which he read, or heard, only a very few lines) as an unwarranted attack on the jurisdiction of his court, refused to admit it on the files thereof, and then adjourned all further hearing of the cause until that day week, viz: Friday, November 9.

FRIDAY, *November 9*, 1849.

The case was called on, but immediately after adjourned to Friday, November 16.

FRIDAY, *November 16*, 1849.

The case adjourned to Friday, November 23.

FRIDAY, *November 23*, 1849.

The case adjourned to Friday, November 30.

FRIDAY, *November 30*, 1849.

The cause being called on, the following protest against the jurisdiction and the proceedings of the court was tendered on the part of her Majesty's Consul, but at once, even without being heard or looked at, rejected by Judge Kane:

To the honorable the judge of the United States district court of eastern Pennsylvania:

JOHN ORR

vs.

THE BRITISH BRIG "ACHSAH."

} *In Admiralty.*

I, William Peter, her Britannic Majesty's consul for the State of Pennsylvania, &c., &c., &c., do once more respectfully, but not less strongly, protest against the detainer of the British brig "Achsah," and the jurisdiction, in such cases, over British vessels, assumed by the United States district court of eastern Pennsylvania. I protest against such jurisdiction as equally unnecessary and uncalled for, as injurious to the interests of commerce, and at variance, not only with international comity,

but with international law, or the approved usage and example of all Christian States.

I. And first, no such jurisdiction or authority is either claimed or exercised by the tribunals of Great Britain over American or other foreign ships entering her ports. In the case of "The Two Friends," Sir William Scott, speaking of a marine contract, says that such contract, being "created by the particular institutions of each country, must be applied, construed, and explained by its own particular rules"—adding, that, "between parties all foreigners, if there were the slightest disinclination to submit to the jurisdiction, he should not be inclined to interfere, for the court was not hungry after jurisdiction." And in a subsequent case, namely, that of "The Martin, of Norfolk," the same eminent authority says that, "the case having come to him accompanied by a letter from the American minister, stating that the parties were all Americans, and willing to submit to the jurisdiction of the court, he was induced to entertain the suit, which, *without such application from a foreign minister, and such consent of the parties*, he should have been by no means willing to do, having no disposition to interfere in the disputes of foreigners. Even now, the court entertains the cause with reluctance."—(See *Robinson's Adm. Rep.*, vol. I., pp. 278, 280; and IV, p. 243; also, *Abbott on Shipping*, 5th American edition, p. 785.)

II. No such authority as that assumed by the admiralty court in Philadelphia is claimed or exercised by the French tribunals. Not only has it been repudiated in all cases of contracts between foreigners, but even in regard to criminal offences, where the offence perpetrated has occurred on board of a foreign ship, and among foreigners of the same crew and nation. In the case of the American ship "Newton," where a scuffle had taken place in the boat between two of its crew; and in that of the American ship "Sally," where a severe wound had been inflicted by the mate on one of the sailors, for having used the ship's boat without leave,—the Council of State (having received the protests of the United States consuls in opposition to the attempted interference of some of the minor courts) interdicted their tribunals from taking cognizance in either of the cases. "Les droits de la puissance neutre, (they say,) doivent être respectés, comme s'agissant de la discipline intérieure du Vaisseau, dans laquelle l'autorité locale ne doit pas s'ingérer, toutes les fois que son recours n'est pas réclamé, vu que la tranquillité du port n'est pas compromise."—(See *Actes ou Extraits d'Actes cités dans l'Ordonnance Royale du 29 Octobre, 1833, sur les fonctions des consuls, dans leurs rapports avec la marine commerciale.*)

III. Nor is the law or usage of the American courts, as expounded by their best judges, in anywise (as far, at least, as regards civil contracts made in foreign countries between foreigners) different from that of France or England. In the case of "Findly and others against the ship 'William,'" Judge Peters, after stating that he should not hesitate to use any plain authority which he knew the court to possess—be the consequences what they might—goes on to recommend *caution* to the court in its determinations; adding that, if the laws and customs of all nations did not warrant the interference of the court, no authority could be acquired by it from the laws of its own country. And, in the case of the Danish ship "Föisöket," the same judge says that it had been his general rule *not* to take cognizance of disputes between masters and crews of foreign ships,

but to refer them to their own tribunals.—(*See Admiralty Decisions*, vol. 1, pp. 22 and 197.)

In the case of "Lloyd against Collins," decided at Baltimore in December, 1846, Judge Purviance expressly states "that no magistrate has authority or jurisdiction over a contract made in a foreign country and under foreign laws;" that "even the high courts of admiralty and maritime jurisdiction have no control over such contracts." And in a subsequent and very recent case, viz: that of "Lynch and others against Crowder," Judge Betts, of New York, says that "the rule [*i. e.*, of not taking cognizance of suits by foreign seamen] is founded upon the common interest which all commercial nations have in preserving the services of their seamen to the vessel during the whole period of their engagement—adding that "it would be pernicious to the interests of trade and commerce to encourage seamen in suits for wages in foreign ports, as the master or vessel, and frequently both, must, in that way, be interrupted in the business of the voyage, and the general adventure subjected to embarrassing delays and losses.

"But what, in my judgment," continues the learned judge, "is still more conclusive against the maintenance of this suit by them, is, that the official representative of their own country disapproves of their acts, and solicits this court not to entertain the action." "Everything touching the validity of the supposed discharge of these seamen belongs most properly to the courts where the litigants and this ship belong; and the law common to them all, is the rightful criterion by which their rights and remedies should be adjusted."

Similar doctrines have been held, and similar judgments given, by Judge Collins, of New Orleans, and other judges of the United States; nor can I hear or read of a single judge (excepting the present judge of the United States district court in eastern Pennsylvania) who has assumed to hold or to decide otherwise.

Fortified, therefore, by these cases, as well as by the prevailing practice of all Christian and civilized States, I hereby renew my solemn protest against the proceedings of this court, as vexatious, useless, tedious, and expensive, contrary to the laws and usages of nations, and consequently out of and beyond the jurisdiction of this or of any other foreign tribunal.

WILLIAM PETER,

H. B. M. Consul for the State of Pennsylvania, &c.

BRITISH CONSULATE, Philadelphia, November 30, 1849.

The cause was adjourned from time to time until the 17th of December, when his Honor the judge of the United States district court aforesaid gave judgment in the following words:

JOHN ORR
vs.
THE "ACHSAH." } *In Admiralty, December 17, 1849.*

Judge Kane.—The libellant is a British seaman, and the "AchsaH" a British ship. He arrived in her at this port in August of the present year, as one of her crew, bound by the shipping articles for the return voyage. Soon after her arrival, the mate and crew made complaints to

the British consul of ill usage and general misconduct on the part of the captain; and the consul's secretary, who occasionally acts as vice-consul, repaired on board, for the purpose of hearing and redressing them. The result was an agreement between the captain and crew, reduced to writing, and signed in the presence of this gentleman, by which the crew were to be discharged, and their wages paid. This agreement was to be carried into execution on the following day, at the office of the consulate; and, in the mean time, the men were allowed to go on shore, and take their things with them. In the morning, however, the captain did not appear, according to his promise, and has not been seen since. It seems that he had become apprized of the fact that process had issued from this court for his arrest, and that of his vessel, on a libel, charging him with numerous gross violations of the act of Congress for the protection of passengers, passed May 17, 1848. He fled, in consequence, after making arrangements to withdraw his vessel partially from what he supposed to be the jurisdictional limits of the admiralty. The case will be remembered as the one in which the marshal was forcibly dispossessed of the vessel by the persons who had carried her across the river, and which led to their indictment, and the conviction of the ringleader, at the present term of the district court.

Since that time, the "Achsah" has remained in the marshal's charge, the hearing of the libel against her having been delayed, at the instance of the foreign owner's representative. The seamen were taken care of by their consul, who paid their board, and provided a passage home for such of them as were willing to go without receiving their wages. Orr, however, preferred prosecuting his claim against the vessel; and on the 6th October last, he filed the present libel, apparently without consulting the consul, for he has since refused to be answerable further for the libellant's board, and now protests against the court's holding jurisdiction of the cause.

The defence relies upon this protest, and upon the allegation that the libellant *has not been discharged*, inasmuch as, by the statute 7 S. Vic., c. 112, s. 46, no discharge of a British seaman can be made in a foreign port without the sanction of the consul of his nation, which sanction has not been given here, or at least has not been endorsed upon the shipping articles.

This last ground of defence is founded upon a misconception of the spirit and terms of the British statute. Its object, as declared in the preamble of the 46th section, is the prevention of the "great mischiefs which have arisen from masters of merchant ships leaving seamen in foreign ports, who have thus been reduced to distress, and thereby tempted to become pirates, and otherwise to misconduct themselves." And the section enacts that if the master of a British ship "shall discharge any person belonging to his crew abroad, without the previous sanction of her Majesty's minister or consul," he shall be deemed guilty of a misdemeanor. Other provisions of the act go on to denounce the same penalty for forcing a seaman ashore, abandoning, or leaving him behind.

It is too obvious for argument that the purpose of this statute is to protect the seaman against the master's misconduct—not to relieve the master or his vessel from liability to the injured seaman. If it could be so interpreted as to take away from the seaman his civil remedy for wages, whenever the fraud against him was attended by circumstances fitted to

provoke the criminal justice of his sovereign, it would reduce him of necessity to the distress and temptation which it affects to prevent, and would offer a flagrant bounty to the crime it denounces. But it is not so: the statute assumes that a discharge, though unlawful, may still be a discharge, for it uses the very word in describing the offence; and its whole policy is manifestly the opposite of that which would inflict a penalty on the crew for the wrong they had sustained from the master.

There remains to be considered the protest of the British consul. I so term it, because I believe a paper which was tendered to me a few days ago, when this case was mentioned, and which I regret I could not receive, was announced as bearing that character; and because the secretary of the consul has since declared, on the witness-stand, that the consul *dissents* altogether from this proceeding before me. I am left, however, without the advantage of knowing on what grounds this interposition of his was sought to be made. The proctors who have argued upon it have contented themselves with referring to the fact, and such reflection on the matter as I have found leisure for has not conducted me further.

Certainly, the case, as it appears in the evidence, is not one to invoke official sympathies for the defence. It is the case of a seaman who has been abandoned and defrauded of his wages in a foreign country. The ship-owner is so remote as to be virtually inaccessible to suit; the master has absconded; and the seaman comes into the court of admiralty to assert his unquestionable lien against the ship. If this be denied him, he must lose his claim, or encounter a voyage to Europe, carrying his witnesses with him, to prosecute it against the owner *in personam* where he can find him. There is no other circumstance in the case. It cannot be said that he misbehaved in leaving the ship, for this was sanctioned both by the captain and the representative of his nation; nor that he has misbehaved himself since, if that could be deemed material, for, until after the libel was filed, the consul gave him protection and support. If there be considerations of justice which require me to withhold redress under such circumstances, they have not been presented to my notice. The protest of the consul stands before me by itself, without exposition or argument; and it must receive, therefore, just that measure of deference which may be claimed for an official expression of the opinions and wishes of that functionary.

But, sitting here, I have nothing to do with the unsupported opinions or the wishes of any gentleman, however he may be commended to my respect by the office he bears. I may not admit the right as residing anywhere to interpose in any manner or degree in the judicial proceedings which may be pending before me, whether by an expression of dissent to their operation or the reverse. There are cases, certainly, in which our courts take jurisdiction reluctantly of controversies between foreigners, on being advised that the interests of justice may be as fully and readily attained by a resort to the tribunals of their own country. And in such a case, it is not uncommon for us, when sitting in admiralty, to invite, or receive unsolicited, from the consul resident here, such information as may determine us whether to entertain the suit or not; and in most cases, though not in all, we do entertain it, if he requests us to do so. This has sometimes been called the consul's assent to the litigation in the foreign forum.

But it would be a grave mistake to infer from this that any action or

opinion of his can either confer jurisdiction upon the court or detract in anywise from the jurisdiction it possesses. There is no legal difference in this particular between our courts of admiralty and our courts of common law: both derive their powers from the constitution of the United States and the laws made under it, including, of course, the treaties with foreign States; and both are bound alike to exercise their powers in furtherance of justice. Now, I have never heard the idea suggested that the action of a common-law court could depend in any case for its validity or effect upon, or that it could be either arrested or expedited by, the intervention of a foreign consul. And although in the admiralty, where our jurisdiction is sometimes international, and our practice accommodates itself to the usages of the maritime world, we not unfrequently ask the advice of foreign consuls, and habitually lend them our aid in matters regarding the police of their shipping, yet this is not as of right on either side: it is altogether a thing of mutual courtesy, limited by a just discretion, and only so far effective upon the result as the opinions and wishes expressed to us are found to consist with that justice which it is the exclusive duty of the court to administer and effectuate within its territories.

Yet, with this controlling limitation, our courts have always manifested a desire to further the policy of other nations in reference to their seamen. The cases are numerous which illustrate this. We are aware of the inconvenience to which foreign ship-masters are often subject, in our ports, in consequence of the rate of wages here being higher than abroad; and we not only assist them frequently in reclaiming deserters, but we view very jealously the allegations of ill treatment and other causes for a forced discharge that are constantly presented to us by foreign seamen. But, the discharge once clearly made out in proof, I do not know that any court has denied the seaman his wages from an apprehension that, if he got them, he might not be inclined to go home.

Such I believe to be the theory of both the English law and our own upon this subject. It is true that in England a question like that immediately before me could hardly find its way into discussion. Certainly not in the common-law courts; for no one can doubt the right of an alien friend, seaman or other, to sue in the Westminster Hall, altogether irrespective of the agency of his consul; and scarcely in the admiralty, for, subordinated as that jurisdiction has been in England for many years, holding cognizance of suits for wages, even where a vessel and the seamen were British, rather by a kind of toleration than by settled law, the Judges have restricted their action within such closely-guarded limits as almost to exclude foreign seamen from their courts altogether. The consequence is, that very few cases of wages in which consuls could interfere are found in the English admiralty reports, and I do not remember one in which they have protested.

Yet we may judge from the case of the "Courtney" (Edw. R., 240) how far the English admiralty would be willing to depart from its ordinary course in enforcing the policy of foreign governments towards their seamen, even at the joint instance of the seamen and their consul. In that case, certain American seamen, having been discharged in an English port, included in their libel for wages a prayer that their consul might receive for them the additional pay which, by our act of Congress of 1803, they were entitled to claim, through his intervention, on embarking to return home, after a discharge abroad. The act of Congress

was printed on the back of the shipping articles; but Sir William Scott, regarding it as a municipal regulation merely, and not in terms a part of the contract, refused the prayer, as one beyond his authority to grant.

But the law of England on the question is of the less importance, since that of our own country has been long established. From the case of the "*St. Oloff*," (2 Pet. Adm. R., 428,) which was decided in this court by the elder Judge Hopkinson in 1790, down to the latest reported case, there has been no doctrine more uniformly and unhesitatingly acted on than that our courts of admiralty, however courteously disposed towards foreign consuls, are altogether independent of them in their action upon the claims of foreign seamen. Among the more recent cases, I will refer only to the "*Jerusalem*" (2 Gal.) and the "*Bee*," (Ware, 336,) decided by Mr. Justice Story, and by Judge Ware; but the case of the "*St. Oloff*" is so marked, and so direct in its application, as to justify a somewhat more extended notice of it.

It was the case of a Swedish brig, libelled by her seamen, pending her voyage, on the ground that they were entitled to their discharge, and consequently to wages, because of the captain's ill treatment and a change in the destination of the vessel, and that the Swedish consul had denied them redress. The captain refused to admit the jurisdiction of the court, affirming that, by the law of Sweden, "if any disputes at sea, or on shore, should arise between the captain and his crew, the parties are not permitted to sue for redress in a place subject to a foreign government." In this view of his rights and his duty, he was joined by the Swedish consul, who, after remonstrating orally before the court against its interference in the dispute, protested formally against any decision that should be made either for or against the parties, as the complaint ought to have been made to him, as consul, agreeably to the treaty subsisting between the two countries. The case was considered with great care—the judge having called into consultation with him the district attorney of the United States and several of the most eminent members of the bar; and the decision, made after full advisement, disaffirmed the consul's construction of the treaty, disregarded his protest, discharged the seamen, decreed them wages, and ordered the vessel to be sold.

The case, therefore, presented these marked features: that the law to which the parties owed allegiance as subjects, and under which the contract had been made, had absolutely forbidden all resort to a foreign tribunal; that the protest of the consul was therefore in unequivocal accordance with his official duty; and that, according to the allegations of the libel itself, the complaint was in the nature of an appeal to the court against the consul's refusal to give redress; yet, as we have seen, the action was full and unqualified upon the merits, as they appeared in proof.

It occurred to me during the argument, that, as the libellant was receiving support from the consulate at the time he filed his libel, he might be considered as under a sort of voluntary tutelage, and that he should not, while he continued that relation, be admitted to a legal appeal without the consul's sanction. The idea was expounded and enforced by one of the proctors for the defence, with his wonted ability; but, upon mature reflection, I do not think it should control my determination. The seaman would naturally look to his consul for advice and aid, when he found himself deserted in a strange country, and would hardly understand that in doing

so he was renouncing the rights which he had earned against others under the law maritime. And when he found that the powers of that office were inadequate to give him redress, and that he could only provide him a temporary support and a passage home, I cannot think he should be censured too sternly for coming into a court where his wages could be secured to him. Besides, he is now no longer deriving aid from the consulate; and were I to dismiss his present libel because of his want of courtesy to his former patron, I should only be inviting from him a new libel, to which the objection would not apply, now that the protection has been withdrawn.

In a word, where the voyage has been broken up, and the foreign seaman is discharged in this country without receiving his wages, I cannot refuse to recognise his lien on the ship, and to enforce it, at his personal instance.

I decree, therefore, in favor of the libellant, and refer it to the commissioner to ascertain the amount of wages due him.

J. K. KANE.

The protest of her Britannic Majesty's consul against the judgment of the Hon. John K. Kane, judge of the United States district court for eastern Pennsylvania, in the case of the British brig "Achsah."

JOHN ORR

vs.

THE BRITISH BRIG "ACHSAH."

} In Admiralty.

I, William Peter, her Britannic Majesty's consul for the State of Pennsylvania, &c., having diligently, and with all due consideration, perused the judgment of his Honor the judge of the United States district court for eastern Pennsylvania, in the long-pending suit of the British brig "Achsah," as well as the reasons or pretexts on which the said judge has endeavored to ground and to justify the same, do hereby enter my solemn protest against both the one and the other, as being (like the judgment and reasons given by the same learned judge in the recent case of the British brigantine "Contest") unwarranted by every proved fact of the case, and in direct opposition to every precedent and usage of law in such cases recognised and acted upon by every other maritime court of the civilized world.

I. And first, as to the FACTS of the case in the said judgment set forth, I object to the honorable judge's detail of them, as being so lax and diffuse, so redundant with transpositions, omissions, inaccuracies, and errors of all kinds and degrees, as render it almost impossible for any one not otherwise acquainted with the true circumstances and issues of the case to comprehend or to decide upon either. The consul's secretary was not (as stated by the honorable judge) sent on board of the "Achsah" "for the purpose of hearing and redressing" grievances. All such had been previously heard at the consulate, and, as soon as heard, had been redressed. It was in consequence of the "process" issued from the admiralty court for the arrest of the captain and his vessel, on account of some alleged violation of the American passenger-act, and of the anarchy

and confusion thereby occasioned, that the consul, considering the distress and peril to which the crew might become exposed by being left drift as it were on a strange coast, sent his secretary on board of the vessel to learn the plans or wishes of the captain and crew, and to order their attendance at the consulate on the following morning, when he hoped that it might be in his power to arrange everything to the satisfaction and benefit of all parties. The purposed settlement, however, was at short and frustrated by the disappearance of Captain Morell—not so much through any wilful default of his own, not, I believe, through any audacious disregard of his promise, (as from the honorable judge's statement might be well supposed,) but in consequence of the exorbitant bill of *fifteen thousand dollars* demanded of him by the court—an amount which the captain, being, of course, unable to procure in a foreign land, had no alternative left but to fly the city, or be immured for weeks, perhaps for months, within one of its prisons.

“The seamen,” continues the honorable judge, “were taken care of by their consul, who paid their board, and provided a passage home for such of them as were willing to go without receiving their wages. Orr, however, preferred prosecuting his claims against the vessel; and, on the 15th of October last, he filed the present libel, apparently without consulting the consul, for he has since refused to be answerable further for the rebellant's board, and now protests against the court's holding jurisdiction of the cause.”

Such is the honorable judge's version—in reply to which, let me narrate the simple facts of the case. No sooner had the captain disappeared than the consul assembled the crew at his office, explained to them the exact circumstances and state of the matter, assured them that every proper care should be taken of them, and that, in case of the voyage being broken up, or of their being discharged in Philadelphia, they should receive every man his full amount of wages, and have berths found for them on board of some other British vessel. With this proposed arrangement they professed themselves (and Orr amongst the rest) to be amply satisfied. Nay, more: they one and all, and in the warmest manner, expressed their gratitude to the consul for the anxiety which he was manifesting in their behalf. In this state things remained until the third or fourth week of September, when three of them, (Jackson, Jones, and Thompson,) coming to the consul's office, told him that they were tired of being so long idle, and that, if he would consent to their discharge, and let them have money sufficient for the payment of some trifling debts, and for the purchase of a few necessary articles of clothing, they would ship themselves back in some homeward-bound vessel from Philadelphia or New York, and receive the remaining portion of their wages in England. To this proposition the consul (seeing no chance of getting the ship extricated from the firm hold of the admiralty court) at once assented; the men returned home, and have, no doubt, long since received whatever amount of wages might be then remaining due to them from the hands of the ship's owner, who was a fellow-townsmen of theirs, and well known to them all.

With the exception of the apprentices, Orr was now the only one of the crew unprovided for; and the consul was on the eve of arranging matters with him, also, by inducing the newly-appointed consignee to pay him off, and by then finding for him a berth in some homeward-bound

ship, when, by the arts of a former messmate, now in the employment of the admiralty court, the weak young man was prevailed on to put himself into the hands of an admiralty proctor, and to exchange the friendly shelter of the British consulate for the obtrusive promises and pretended regards of mercenary strangers.

And *this* (according to the honorable judge) "is the case of a seaman who has been abandoned and defrauded of his wages in a foreign country;" who, if unassisted by the admiralty court of Philadelphia, "must lose his claim (to wages) or encounter a voyage to Europe, carrying his witnesses with him, to prosecute it against the owner *in personam* where he can find him." Was there ever such a perversion of facts? Was there ever, in the whole annals of judicial history or law, a plaintiff's case, even by a plaintiff's counsel, much less by a grave and impartial judge, so wrought out and misstated as that of the libellant on the present occasion? Let the honorable judge rest assured and comforted that *On* was neither "abandoned nor defrauded of his wages;" and that, without either "encountering a voyage to Europe or carrying his witnesses with him to prosecute his claim against the owner *in personam*," he would, but for the interference of the court over which his Honor presides, have been in possession of his wages at least six weeks or two months ago!

II. Having pointed out some of the honorable judge's mistakes in his detail of the *FACTS*, let us now examine his expositions in regard to the *LAW* of the case.

And first, as to the 7 and 8 Victoria, cap. 112, section XLVI, which, according to the learned judge's somewhat novel reading of that statute, does *not* require the consul's sanction to the discharge of seamen in cases like the present, let any unprejudiced man, I say, of common sense, (lawyer or not,) peruse the act, and then declare whether there can exist a doubt—a moment's doubt—on his mind as to its true intent and meaning. The clause in question, after subjecting all masters of British vessels to the penalties of a misdemeanor who shall discharge any of their crew *abroad* without the previous sanction, in writing, of her Majesty's minister, consul, vice-consul, or like functionary, goes on to authorize and *require* such functionary, in all cases of "proposed discharge," to examine, *upon oath*, into the grounds thereof, (whatever the plea or pretence may be, whether in regard to master or men,) and "to grant or refuse his sanction or certificate according to circumstances, and as it shall appear to him to be just." And, as a yet further proof of the very different view taken by the framers of the act from that of the learned judge of the United States district court, it may be added, that, amongst the other documents to be deposited with the consul on the arrival of all British ships within a foreign port, are the register-tickets, with which all British seamen must supply themselves, and which the consul does not part with, (as long as the vessel remains in port,) except in cases of men discharged with his own written sanction and consent.

The next point on which I would observe is the learned judge's contradictory assertions in regard to the admiralty courts of Great Britain. In his comments of the 26th of October last, he told us that it *had been* "the universal practice of the British courts to exercise this jurisdiction!" Now, however, he at length discovers that "*English judges have restricted their action within such closely-guarded limits as almost to exclude foreign seamen from their courts altogether!*" But in neither of these assertions is the learned judge correct. No absolute right, indeed, or authority, to

interfere in the disputes of foreigners, is claimed by the English courts, for they are NOT "hungry after jurisdiction." Yet, *in no case of instant or pressing necessity—in no case where their assistance is craved by the parties themselves, or by the accredited agent of the government under which those parties live, and where some great hardship or failure of justice would be the obvious consequence of their non interference—in no such case*, I am sure, would the English courts refuse to entertain proceedings for wages, at the suit of foreign seamen, against the foreign vessels in which they have served, such vessel being within the ports of Great Britain.—(See *Robinson's Adm. Reports*, vol. I, pp. 278 and 280, and vol. IV, p. 243; also, case of the "*Courtney*," *Edw. R.*, 241.)

The intervention of British admiralty courts in the disputes of foreigners is not unlike that of arbitrators or unofficial persons investigating matters in difference between parties who would fain escape from more distant, or dilatory, or expensive tribunals. In neither case is there any positive law requiring the judges to hear or determine the causes submitted to them; in neither would they feel themselves justly authorized to do so, without some ulterior or superadded sanction to their proceedings—without a formal communication from the foreign minister or representative in the one case, and making the parties' submission of the suit to arbitration a rule of court in the other.

"But the law of England (continues the learned judge) is of less importance, since that of our own country has been long established." He then refers to the cases of the "*St. Oloff*," (*II Peters' Adm. R.*, 428,) of the "*Jerusalem*," (*II Gal.*, 240,) and of the "*Bee*," (*Ware*, 336.) To those of a more recent date—viz: those decided by Judge Collins, of New Orleans, in 1845; by Judge Purviance, of Baltimore, in 1846; and by Judge Betts, of New York, in 1849—to not one of them, though all so peculiarly appropriate and in point on the present occasion, is there the most distant allusion! Let us, however, examine the cases which the learned judge has thought fit to select for his purpose. And first of all, that of the "*St. Oloff*," which he describes as "so marked and so direct in its application as to justify a more extended notice of it." In this case—the term for which the libellants (Weiberg and another) had been originally bound to serve having long expired, and they having been violently and against their wills detained on board of the said ship—the question was not one of interference or non-interference between a captain and his crew, not one of jurisdiction or no jurisdiction, as in cases of contracts between foreigners, but simply one of common justice and humanity, as to whether liberty should be proclaimed to the captives; whether the prison-door should be opened to men who had been unjustly bound and detained on board of a vessel then anchored within a port of the United States. This was the question which Judge Hopkinson had to decide, and which he did decide, despite of protests from a brutal captain and an inert and ignorant consul,* justly, humanely, and in strictest conformity with the great principles of international law.

* I call the consul "*inert*" because he did not, in the first place, interfere for the liberation of the libellants, and thus save them from the necessity of appealing to a foreign tribunal; and "*ignorant*," in supposing, for a moment, that a Swedish law, passed for the adjustment of disputes between Swedish captains and their crews, could apply to two individuals whose contract of service had long expired, and who, instead of belonging to the "*crew*," were made prisoners on board of the "*St. Oloff*," being detained there against their wills and by the most cruel and illegal means. No persons so situated would have been refused their "*habeas corpus*," had they chosen to apply for it, either in the United States or in Great Britain.

But the case cannot be more clearly set forth than in the words of the worthy judge himself: "I find (says he) that the libellants entered on board of the brig 'St. Oloff,' Jonas Holmstead, master, at Cadiz, in 1789; that no articles or written contract whatever had been presented to them, either by the captain or by any other person, to engage them in the service of the vessel, or for any designated voyage, except that the captain told them that they were going to Philadelphia, and thence back again to Cadiz, *where they should be paid off, at the rate of five dollars a month, and then discharged*; that, after their arrival at Philadelphia, the captain, *without any new agreement whatsoever*, undertook a voyage to St. Andero, in Spain, and thence back again to the port of Philadelphia, where the vessel now is; that Captain Holmstead had treated the libellants with uncommon severity and cruelty, especially Weiberg, whom he confined in jail for six days before sailing for St. Andero, and whom, when taken on board again, he beat and otherwise abused, so that he lay three days disabled from doing any duty; that, after their return to this port the last time, the libellants made application to a proctor of the court to sue for the justice of the country in their behalf; that, in prosecuting their business, they had been absent from the brig about three hours, and, on their return to the vessel, had been pinioned and confined by the captain, who threatened them with a drawn cutlass, and denounced vengeance against them; and that, afterwards, while the cause was before the court, and during the adjournment thereof, he caused Weiberg, one of the libellants, to be laden with irons and confined on board.

"Under these circumstances, I am of opinion, first, that the deviation to the port of St. Andero, in Spain, was such an alteration of the voyage as justified the mariner in demanding his wages; and, secondly, that Captain Holmstead's conduct in regard to the libellants has been so cruel, and so unwarrantable by maritime law, as would, of itself, have dissolved the contract—the rights of humanity being superior to the specific laws and customs of any nation."

He therefore decreed that the seamen should receive their wages and be discharged. I have quoted this case more at length than I should have otherwise done, because the learned judge relies so strongly on its applicability to the case before him—an applicability, however, which I must needs confess myself unable to perceive.

Another case referred to by the learned judge is that of the "Jerusalem"—a case of BOTTOMRY, however, and *not* of wages, and therefore wholly irrelevant to our present purpose. The libellant, Hugon Conturier, had lent \$9,953 to one Catura, for victualling, loading, and repairing the ship "Jerusalem," then lying at Smyrna, for which sum Catura hypothecated to him the hull, tackle, cargo, and freight—the principal and interest of the said sum to be paid on the safe return of the said vessel to Smyrna, *or after the sale of her cargo at any other place*. The ship did not return to Smyrna, but disposed of her cargo at Havana and New York, and afterwards proceeded to Boston, where she was libelled, at the suit of Conturier, for the sum due to him. Catura appeared under protest, denying the jurisdiction of the court. But Judge Story rightly held that, whatever might be the case as to other maritime contracts, there could be no doubt that the contract of bottomry was one over which the admiralty exercised an undoubted jurisdiction. It was, indeed, the only tribunal capable of enforcing a specific performance *in rem*, by seizing into its cus-

today the very subject of hypothecation. In addition to this, the contract itself carried on its very face a stipulation that the voyage was to terminate in a foreign country, and that, therefore, a suit *in rem*, in such foreign country, could not only be sustained, but was evidently *within the contemplation of the parties themselves*. The parties, therefore, having themselves waived the benefit of the exclusive jurisdiction of their own tribunal, the whole reasoning upon which it was contended that it should be remitted to their own forum falls to the ground.—(See *II Gal.*, 240.)

The next case referred to by the learned judge is that of the "*Bee*;" but this, unfortunately for his argument, proves to have been a case of *SALVAGE*, which (as every lawyer knows) is one over which the admiralty of the country on whose coast the wreck has occurred possesses a necessary jurisdiction, not only because inhabitants of that country are generally parties to the suit, but because it can be nowhere else so equitably adjusted as in the vicinity of the spot where the misfortune has happened, and where the principal witnesses in all probability reside. It is (as Sir William Scott has observed) "a question of the *jus gentium*, and materially different from that of a mariner's contract, which is a creature of the particular institutions of each country, to be applied and construed and explained by its own particular rules."—(See *Ware*, 336; and *I Robinson*, 278, 280.)

I have already alluded to the case of the "*Courtney*," the introduction of which by the honorable and learned judge is attended with this singularity, that, in the outline which he gives us of it, he should by some strange oblivious accident have omitted the only portion of the judgment in any way applicable to the question before him, viz: that in which Sir William Scott refers to "the consent of the representative of the United States," or "the consent of the accredited agent of the (foreign) government," as being required by the English courts before they entertained proceedings for wages at the suit of American or other foreign seamen.

Thus has it been shown, I think, that, out of the *four* cases cited by the learned judge in support of his judgment, three are wholly beside and irrelevant to the question at issue, while the only portion of the *fourth* which is not so stands in direct opposition to his own side of the argument.

And now, having carefully and considerately examined the court's judgment in this oft-adjourned and long-protracted suit; having (I repeat it) thoroughly investigated every fact, and read over and well weighed every assigned reason or pretext on which the learned judge has professed to ground his decision; and having found him alike inaccurate and mistaken and unsound in all; believing, also, that the jurisdiction over foreign ships and foreign crews which, by such judgments, he is now laboring to establish, (even were the exercise of it to be as just and discreet as it has been in the cases of the "*Contest*" and the "*Achseah*," so obviously the reverse,) believing, I say, that the jurisdiction thus sought to be established is indefensible on every principle and precedent of international law, is fraught with numerous and gravest evils, and unaccompanied by a single benefit to the interests of commerce or to the peace and good of mankind,—I do, as in duty bound, protest against the exercise of it over the

ships and seamen of Great Britain, by this or any other tribunal within the limits of my consular authority.

WILLIAM PETER.

BRITISH CONSULATE, *Philadelphia*, December 24, 1849.

Amongst the evils arising from the interference of the Philadelphia admiralty court with foreign vessels is the inducements which it offers to unscrupulous persons to make unfounded claims upon them—claims which, but for the facility, or rather eagerness, with which all such cases are entertained, would have been never made or thought of. One mode of obtaining money from captains of foreign vessels is that of charging them with having invaded some one's patent, and of threatening to put them into the admiralty court, unless they pay down \$5, \$10, \$20, or \$30, or whatever their demand may happen to be. It was not until within these last few months that the British consul became aware of these proceedings, when he instantly interfered to put a stop upon them. As the masters, however, of the vessels thus mulcted had left Philadelphia before he became thus aware of the facts, and as they are now in distant ports, so that he cannot procure the particular evidence on the subject which he desires, he will confine himself to two cases, of which he possesses the most direct proof:

BROWN

vs.

BRITISH BRIGANTINE "SEBIM." } *In Admiralty.*

The "Sebim," Warren Doane, master, arrived in the port of Philadelphia on the 7th November, and was, on the following day, visited by a man of the name of Livezy, who, after inspecting various parts of the vessel and her tackle, told the captain that he had got "Brown's patent gaffs," (*i. e.* pieces of wood, turning on pins, and placed so as to prevent or lessen the friction of the sails against the masts,) and must pay him at the rate of \$5 for each of them. To this demand the captain demurred, saying that his vessel had been built and paid for in his own country, that he knew nothing of Mr. Brown or his gaffs, and should not pay the money without first consulting the British consul on the subject. On this Livezy said that all other British captains had paid, (mentioning at the same time the names of several from the West Indies and Nova Scotia, whom he asserted to have done so,) and that, unless Captain Doane did the same, — Captain Doane, however, after consulting his consul, thought right to persevere in his refusal. The consequence was, that his vessel was libelled, and would have been prevented from leaving the port, had not a respectable merchant of the city (Mr. Reynolds) become security to the amount of \$400 for payment of damages and costs, in case of an admiralty decree against the vessel and captain.

The libel still remains in force against the respondent, though, in consequence of the steps taken by the consul in this, as well as other cases, it may probably proceed no further.

BROWN

vs.

BRITISH SCHOONER "ELIZABETH." }

The "Elizabeth," from Nova Scotia, James McClennan, master, was, on the 6th of this month, visited by Livezy, and the same demand made upon him as upon the captain of the "Sebim." This demand, however, he has refused to comply with; and as he and his vessel have since left the port, it is probable that Livezy and Brown have been advised to drop all further proceedings against them.

Such, however, is the dread in which the admiralty court, *with its attendant troubles, expenses, and delays*, is held by the little colonial captains, that they would rather pay any sum within their means than fall into its power. Both Doane and McClennan, had they not been counselled and sustained by the consul, would, in all probability, have been frightened into paying Livezy's demands upon them.

REPORT

OF

THE SECRETARY OF THE TREASURY,

IN COMPLIANCE WITH

A resolution of the Senate calling for a statement of the measures adopted to prevent frauds upon the revenue since the passage of the act of 1846.

SEPTEMBER 27, 1850.

Ordered to lie on the table, and be printed.

TREASURY DEPARTMENT,
September 26, 1850.

SIR: In compliance with the resolution of the Senate, "that the Secretary of the Treasury be requested to report what have been the measures adopted to prevent frauds upon the revenue since the passage of the act of 1846, and what has been the result," I have the honor to state that the measures which have been adopted by this department to prevent frauds upon the revenue under the present tariff act may be found in the circular instructions that were issued to collectors and other officers of the customs before the act went into operation, viz: November 11th, 26th, and 28th, 1846, and those issued since the 1st December, 1846. Upon reference to these circulars it will be perceived that unusual apprehension was felt that, under the change from specific duties to duties levied upon the foreign value of imported merchandise, there would be great temptation to the commission of frauds by undervaluation in invoices and entries; and in the circular of the 28th November, 1846, the officers of the customs were advised that it was "the determination of the department to exercise its whole power under the law to guard the revenue of the government against fraud and undervaluation in invoices and entries, and to maintain the business of importing in the hands of the honest merchant and fair trader." The officers were instructed to take the duties in the goods imported, when there was reason to believe that there was fraud or undervaluation, to exact penalties, and to make seizures in cases authorized by law; and in the circulars of the 11th and 26th November, 1846, their special attention was called to the provisions contained in the 2d section of the civil and diplomatic appropriation act of the 10th August, 1846, requiring that, in appraising all goods at any port of the United States heretofore subjected to specific duties, but upon which ad valorem duties are imposed by the act of 30th July, 1846, reference shall be had to invoices and values of similar goods imported in the last fiscal year under such

general and uniform regulations for the prevention of fraud or undervaluation as shall be prescribed by the Secretary of the Treasury.

Notwithstanding the instructions contained in these circulars, issued in advance of the operation of the act which commenced 1st December, 1846, it became necessary to issue another "to collectors, appraisers, and other officers of the customs," on the 6th July, 1847, with rules and regulations in regard to appraisements, in which Mr. Secretary Walker stated that "this course was rendered necessary by recent attempts upon the part of merchant appraisers, in a few of the ports of the United States, to establish for themselves certain regulations in regard to appraisements wholly inconsistent with law and instructions." It is stated that, "in some of the ports these appraisers estimate the value of the goods as at the date of the purchase, however remote or distant, and in other ports they take the value at the date of shipment to the United States. The last is the true construction of the law, long since declared by this department, and adopted generally throughout the Union. The proviso of the 16th section of the act of 30th August, 1842, is clear and emphatic upon this subject, and prescribes the date in reference to which the value is to be estimated, as '*the period of exportation to the United States*,' and all words preceding in that section, under the settled rule of interpreting statutes, must be made to conform to the succeeding language of the proviso. This would be the rule even if there was an absolute conflict between the words of the proviso and of any preceding part of the section, for the language of the proviso, being the last expressed will of the legislature, must prevail. Were it otherwise, the law would prescribe two kinds of market values—the one in the first part of the 16th section, being the date of the purchase, and the other in the proviso, being the date of shipment. The most enormous frauds, also, would be the consequence of such construction. Simulated, fictitious, and antedated purchases, to suit the period of lowest price, would prevail exclusively, to the great injury of the fair trader and of the revenue. In truth, under such system the whole importing business would soon be thrown into the hands of the dishonest and fraudulent, who would be willing to produce antedated or fictitious foreign sales, and that most useful and meritorious citizen, the honest and fair trader, would be thrown entirely out of the market. It is known at present—at the commencement of the proposed system—that even where the purchases are not deemed by the parties fraudulent, the designing, to import into the United States, goes to some prior purchaser, who has purchased, not for importation into the United States at some prior date, when the goods were much lower in value, and imports the goods in the name of the first purchaser, consenting to give a certain profit or price on the delivery here, and thus deprives the revenue of the difference in value and obtains a most unjust advantage over the fair trader, who will resort to no such artifices. It is the duty of this department to declare that such a practice is a fraud upon the revenue, and subjects the goods to seizure and confiscation, and the parties committing the fraud to all the penalties prescribed by law, and the utmost vigilance is enjoined upon collectors, appraisers, and all other officers of the customs, in taking all proper measures to detect and punish all who are engaged in such fraudulent practices."

Notwithstanding this emphatic and just condemnation of the fraudulent practices here described, and the efforts made to protect the *fair trader*,

the result has shown that they have not been effectual—the temptation proved too great, and fraudulent invoices continued to multiply.

On the 7th August, 1848, Mr. Secretary Walker instructed the officers of the customs that “forced sales of goods in the foreign markets at reduced prices, under extraordinary and peculiar circumstances, cannot be taken as the true market value of such goods.”

And on the 26th December, 1848, he found it necessary to repeat much that he had previously said, and extend his instructions in consequence “of difference of practice existing at the several ports relative to the appraisement of merchandise.” In this circular Mr. Walker says that “the interests of the country and of fair and honorable merchants require that this department should, by every means in its power, secure not only the revenue against loss, but should maintain such merchants in their business against sales of imported articles at diminished rates, arising from fraud or undervaluation.

“Whenever it is found necessary by the regular appraisers or merchant appraisers to guard against fraud or undervaluation, they will carry into effect the provisions of the 2d section of the act of the 10th August, 1846, as enforced by circular instructions of the 11th and 26th November, 1846. *The last fiscal year* designated in this section was *the last fiscal year* preceding the enactment of that law; which was the fiscal year ending the 30th June, 1846, to which reference is required by the law to values and invoices of similar goods, when necessary to prevent fraud or undervaluation.”

In presenting to the Senate “what have been the measures adopted to prevent frauds upon the revenue” since the passage of the tariff act of the 20th July, 1846,” it has been considered due to Mr. Secretary Walker that the measures which originated with himself should be made prominent: all the instructions issued by him continue in full force at the present time, and govern the officers of the customs in the execution of the revenue laws.

In this connexion the special notice of the Senate is invited to an important question which is likely to call for the early interposition of Congress, as well to guard the revenue as to protect the honest importer. Upon reference to the treasury circular dated the 6th July, 1847, it will appear that by the 23d section of the act of 30th August, 1842, it is made “the duty of the Secretary of the Treasury from time to time to establish such rules and regulations, not inconsistent with the laws of the United States, to secure a just, faithful, and impartial appraisal of all goods imported into the United States, and just and proper entries of such actual market value or wholesale price thereof.” Mr. Secretary Walker decided that the 16th section of the act of 30th August, 1842, prescribed that the date in reference to which the value of foreign merchandise is to be estimated was *the period of exportation to the United States*, and very clearly exhibited the consequences of any other construction to the revenue and the importer. This matter was involved in a suit commenced by Thompson & Forman of London, extensive manufacturers of railroad iron, against Philip Greely, jr., collector of the customs at Boston.

Thompson & Forman shipped a cargo of railroad iron from Newport, in Wales, to Boston. The invoice and bills of lading for the same bear date the 24th February, 1849, and the price per invoice £5 per ton. The United States appraisers appraised the value at £6 per ton. On an appeal

to merchant appraisers it was appraised at £5 15s. per ton. The duty was paid, and a penalty for undervaluation imposed and likewise paid. It was admitted that on the 24th of February, 1849, the date of the invoice and bill of lading, £5 15s. per ton was the true market value of such iron. Thompson & Forman, the manufacturers, claimed that this iron was contracted for on the 24th January, 1849, at which time the market value thereof was only £5 per ton. On this point the charge of Judge Woodbury of the Supreme Court, as reported, was, "that the acts of Congress expressly provide that the time to be selected for fixing the value is the time when the article is purchased or procured abroad, unless the article is one imported from a country where it was not grown or manufactured; then, the provisions in the acts of 1823 and 1842 provide that the value shall be fixed as at the time of exportation."

"I am aware, that in practice at some custom-houses the time of the purchase and procurement is usually, as a general rule, considered the date of the bill of sale. This would in most cases not differ from the value at the time of the purchase, as it varies often but a few days or weeks, and the price but a few farthings. But in cases where the difference in time and price is in truth considerable, and the importer requests the true time of purchase to be taken, the custom-house, and courts, and juries, would not comply with their oaths to follow the law, unless all were governed by the value at the time of purchase or procurement."

Upon a comparison of the opinions of Mr. Secretary Walker and those of Judge Woodbury upon this point, it will be seen that if the Judge be correct, the foreign manufacturer can make his selection of the date at which his merchandise was procured, and thereby be enabled to value his commodity to suit his interest, whether at the time of shipment or time of manufacture, whereas a purchaser is confined to the date of purchase. If the law allows any distinction between the duties which shall be payable by manufacturers and purchasers of iron, an immediate correction should be made.

Among the provisions of law for the prevention of frauds upon the revenue will be found the 2d section of the civil and diplomatic appropriation bill of 10th August, 1846, which requires that in appraising all goods at any port of the United States heretofore subjected to specific duties, but on which *ad valorem* duties are imposed, by the act of 30th July, 1846, entitled "An act reducing the duty on imports, and for other purposes," reference shall be had to values and invoices of similar goods imported during the last fiscal year, under such general and uniform regulations for the prevention of fraud or undervaluation as shall be prescribed by the Secretary of the Treasury.

Appeals have been made to this department to execute the power conferred upon the Secretary of the Treasury by this act. It is represented by persons familiar with this subject, that it was the intention of Congress to provide against frauds by the undervaluation of articles that had previously paid specific duties by requiring a reference to the values and invoices of similar goods imported during the previous fiscal year, and the adoption of those values in the assessment of duties. That frauds and undervaluations have been perpetrated to a fearful extent in the importation of articles that formerly paid specific duties, is undeniable; and that effectual means to prevent them should be applied, all agree. Hitherto the provisions of this act have been inoperative. If the power which is contended for should

be exercised to the extent and in the manner desired, it would entirely change the operation of the act of 30th July, 1846, by fixing the value of a great number of articles, for the assessment of duty, much above their present market value in foreign countries. It has been questioned whether Congress intended to confer powers of this kind upon the head of this department, and it is respectfully submitted to the Senate what construction should be placed upon this provision, or what means shall be adopted to accomplish the object in view.

The circular issued by Mr. Secretary Walker under date of 26th December, 1848, was his last upon this subject. My immediate predecessor found new modes of evading the revenue laws in practice; and on the 12th October, 1849, instructed the officers of the customs upon several important points, viz: "That it had been represented that importers were in the practice of omitting to produce invoices of merchandise, on the alleged ground that none had been received, and asking entry to be allowed on appraisement. The frequency of these occurrences forbids the idea that the non-reception of an invoice usually proceeds from mistake or accident, but induces the belief of intention and design, probably with the view of evading the additional duty imposed by the 17th section of the act of 30th August, 1842, and the 8th section of the existing tariff act of 30th July, 1846."

Where goods have been actually purchased, the law requires the invoice to state the true cost, and not the market value abroad. The privilege, therefore, given in the eighth section of the act referred to, is to enable importers of any goods that have been actually purchased, on making entry of the same, to add to the cost given in the invoice, to bring it up to the *true market value abroad*.

Where the value declared in the entry shall, on due appraisement of the goods, be found so far below the foreign cost or market value as to raise a presumption of being fraudulently invoiced, seizure and confiscation of the goods should take place under the provisions of the act of 2d March, 1799, and prosecution of the offending party, under the 19th section of the tariff act of 30th August, 1842, instituted.

And on the 5th July, 1850, it became necessary to repeat, in substance, the rules and regulations prescribed by Mr. Secretary Walker, in regard to the date in reference to which appraisements of the market value of imports should be made.

"It has been represented that, in many cases, the appraisers have felt restrained in the discharge of their duties, by the result of frequent appeals from their decisions. In order, therefore, to secure a just, faithful, and impartial appraisal of all goods, wares, and merchandise imported into the United States, the following rules and regulations are established:

"1. That the period of the exportation of merchandise is, the time at which the value or price of any article is to be fixed by the appraisers.

"2. That, in ordinary cases, the date of the bill of lading may be regarded as the 'period of exportation.'

"3. That in all important cases, the appraisers will pursue the course indicated in the 17th section of the act of 30th August, 1842; and the collector will preserve the evidence and papers in such case, to be transmitted to the department when called for.

"4. That in all cases of appeal from the decision of the appraisers, the result of such appeal, with all the papers connected therewith, and the

views of the collector thereon, are to be forwarded to the department immediately.

"5. That, in order that the department may be informed, as far as may be, of the appraised value of the principal articles imported, and with a view to secure the greatest practical uniformity, a monthly report shall be forwarded, according to the form herewith.

"6. That where merchandise shall be entered at ports where there are no appraisers appointed, the foreign value is to be ascertained, in the manner before prescribed, by the revenue officers, to whom is committed, by the laws, the estimating and collection of duties in such cases."

In order to ascertain the operation of the tariff act of the 30th July, 1846, the extent and the manner in which frauds upon the revenue were committed, Mr. Secretary Meredith issued a circular under date of 6th August, 1849, as follows :

"Representations have been made to this department of the unequal operation of the act of Congress of 30th July, 1846, 'reducing the duty on imports, and for other purposes,' and likewise of the increase of frauds upon the revenue since this act went into effect."

In order that information of a definite and reliable character upon these and other points may be in the possession "of the department, I request that you will state such facts as are within your knowledge, of the practical operation of the act referred to—especially,

"1. In regard to the equality of its operation throughout the Union, the agreement or variance of appraisements at the different ports.

"2. In regard to fraudulent invoices.

"3. In regard to the undervaluation of merchandise.

"4. In regard to the effects of abolishing specific duties.

"5. The practical operation of the 3d section of this act, under which, on all merchandise 'not specially provided for, a duty of twenty per cent. *ad valorem*' is levied; this rate of duty being less than the rates imposed upon the manufactures of wool, worsted, cotton, silk, leather, wood, paper, glass, bone, ivory, iron, copper, tin, lead, or other metal, &c.

"6. The effects of levying different rates of duty upon the manufactures of the same material, viz : wool, cotton, silk, hemp, glass, wood, paper, copper, &c.

"7. The effect of levying different rates of duty upon the 'manufactures of wool,' and the 'manufactures of worsted.'

"8. The effect of levying the same rates of duty upon raw materials as are imposed upon the manufactures thereof, as in the cases of wool, iron, &c.

"And also the effect in those cases where the rates of duty upon the manufactures are less than the rates imposed upon the raw material, as in the cases of wool, hemp, copper, &c.

"9. In regard to the effect upon the business of American merchants engaged in the importation of foreign merchandise."

To this circular numerous replies were received, a portion of which were presented in the last annual report to Congress from this department, and to which the Senate is respectfully referred as showing the results of the measures which had been adopted to prevent frauds upon the revenue, so far as they were known to the parties.

In order that the Senate may appreciate some of the difficulties of securing a just, faithful, and impartial appraisal of all goods, wares, and

merchandise imported into the United States, and just and proper entries of the actual market value or wholesale price thereof under our present system and laws, a single case of recent occurrence will be given.

Three shipments of pimento were made from the island of Jamaica at about the same period—two of them to New York by the same vessel, the invoices of which bear the same date; the other to Baltimore, and all for account of the shippers.

The New York invoices were both at $2\frac{3}{4}d.$ per pound, but before making entry one of the parties added $\frac{1}{2}d.$ per pound to make the price conform to the fair market value: the other entered his without making any addition to the value. The appraisers added $\frac{1}{2}d.$ per pound to the value; the parties demanded a reappraisement by merchants, which was held, and the appraisers' valuation was sustained. The additional duty was accordingly assessed.

At Baltimore, entry was made without any addition to the value; the appraisers added $\frac{1}{2}d.$ to the value; a reappraisement by merchants was demanded, and the appraisers' valuation was not sustained. Upon a report of all the facts to the Secretary of the Treasury, he decided that, "as these merchant appraisers had placed before them, at the time, evidence furnished on appraisement at New York of importations of pimento from Jamaica shipped about the same time, going to show that the market value of the article was higher than that stated in the invoice under review, the department is compelled to infer that their estimate of value refers solely to the price or cost paid by the owner or shipper, and not the *actual market value* or wholesale price at the time of shipment in the principal markets of the country. This being the case, their appraisement is not in conformity with law, and cannot be treated or taken as valid and effectual, and must consequently be disregarded."

From this review of some of "the measures adopted to prevent frauds upon the revenue since the passage of the act of 30th July, 1846," it is believed that all the authority conferred by law upon this department has been executed, unless it should be decided that the construction of the 2d section of the civil and diplomatic appropriation bill, of 10th August, 1846, contended for by those interested, is the true one.

Without extending this communication to an unreasonable length, the answer to the inquiry contained in the resolution of the Senate, "what has been the result of the measures adopted to prevent these frauds," may be briefly stated.

All the frauds which can be perpetrated by double invoices and false valuations continue without abatement. Honest merchants and fair traders have been driven from the business of importing foreign merchandise, being unable to compete with the dishonest practices that prevail, and which our present system favors.

The business of importing merchandise has fallen rapidly and permanently into the hands of foreign manufacturers and merchants, and our own citizens are deprived of a lucrative employment in consequence of these systematic frauds.

In the last annual report from this department, several tables were inserted to illustrate the effect of the substitution of duties on the foreign value of merchandise in place of specific duties. Taking two as exam-

ples of the operation of our present system, the attention of the Senate is invited to the result, viz:

Maderia wine.

For five months, ending November 30, 1846, under specific duties,	
average value per gallon -	\$1 09
For seven months, ending June 30, 1847, under ad valorem duties,	
average value per gallon -	41
For the year ending June 30, 1848, under ad valorem duties,	
average value per gallon -	48
For the year ending June 30, 1849, under ad valorem duties,	
average value per gallon -	54
For nine months, ending March 31, 1850, under ad valorem duties,	
average value per gallon -	48

Brandy.

For five months, ending November 30, 1846, under specific duties,	
average cost per gallon -	1 07
For seven months, ending June 30, 1847, under ad valorem duties,	
average cost per gallon -	92
For the year ending June 30, 1848, under ad valorem duties,	
average cost per gallon -	82
For the year ending June 30, 1849, under ad valorem duties,	
average cost per gallon -	65
For nine months, ending March 31, 1850, under ad valorem duties,	
average cost per gallon -	64

From inquiries instituted by this department, it was clearly shown that the value of these articles did not decline in the countries from which they were imported to the extent which the above tables would indicate, nor did the prices at which they were sold to consumers at all conform to the declared values in the invoices and entries.

The particulars of many cases of the grossest fraud have been furnished to the department; and the evidence is conclusive that so long as the present *ad valorem* system is continued they will prevail.

The appraisers in the seven principal ports, where alone any appraisers are employed, have been exerted to labor and vigilance in the highest degree commendable, and have been sustained by the department in their efforts.

There are, however, ninety-five ports of entry where there are no appraisers. From these, very few instances have been reported of the detection of frauds or undervaluations, while there is every reason to believe that they are as frequent at these ports as at others. The increase annually of new collection districts, without appraisers, opens new avenues for the introduction of foreign merchandise without sufficient protection to the revenue.

Many frauds have been detected, and the penalties imposed by law have been inflicted; seizures have been made, and recently prosecutions of the offending parties have been commenced.

The facilities for ascertaining the true market value of the great variety of

foreign merchandise in the principal markets of the countries of production or manufacture are very limited at best, and are lessening rapidly, as merchants of known character are forced to abandon their business as importers.

The means at the disposal of this department are entirely inadequate to such an examination of imports as will effectually suppress the systematic frauds known to be extensively perpetrated.

In conclusion, I take the liberty to suggest that adequate remedies for these frauds can only be provided by acts of Congress; that mainly they attach to the system of levying *ad valorem* duties upon the market value of merchandise in foreign countries, which it is almost impossible for the officers of the customs to ascertain under the most favorable circumstances, and that practically very few of them pretend to accurate knowledge concerning them; that the longer this system is continued, the weaker will become the restraints—the stronger the inducements to defraud the revenue.

Our dependence for revenue is now upon the receipts from duties levied upon the importation of foreign merchandise. The rates of duty are fixed by law, but the values upon which they are imposed are left entirely to interested foreigners.

I would therefore respectfully submit, that many of the inequalities of our present system would, in my opinion, be remedied by the substitution of *home for foreign* valuation of dutiable merchandise. This change would place all importers upon an equal footing in respect to the valuations for duty; it would both guard the revenue against most of the fraudulent practices complained of, and tend to its increase.

Although the period of the adjournment of Congress has been fixed and is now at hand, I venture to recommend that the change be made at the present session.

Most respectfully, your obedient servant,

THO. CORWIN,
Secretary of the Treasury.

HON. WM. R. KING,
President of the Senate.

Ex.—2

REPORT

FROM

THE SECRETARY OF STATE,

IN COMPLIANCE WITH

*A resolution of the Senate, enclosing a copy of a despatch received from
J. R. Clay, chargé d'affaires at Lima, respecting Peruvian guano.*

SEPTEMBER 27, 1850.

Ordered to lie on the table, and be printed.

DEPARTMENT OF STATE,
Washington, September 25, 1850.

Since the transmission of the report of 27th June last to the Senate, in answer to its resolution of the 10th of the same month, requesting information upon the subject of the trade in guano between Peru and the United States, a despatch has been received at this department from Mr. J. R. Clay, chargé d'affaires of the United States at Lima, relating to the same subject, a copy of which is herewith respectfully submitted.

DANIEL WEBSTER.

To the SENATE of the United States.

[No. 51.]

LEGATION OF THE UNITED STATES,
Lima, August 12, 1850.

SIR: I have the honor to acknowledge the receipt of despatch No. 14 from the department, transmitting a copy of a letter from Richard Polard, of Albemarle county, Virginia, concerning the export of guano from Peru.

The last steamer from Panama arrived nearly two days behind her time, so that I shall not be able to converse with the Minister of Foreign Affairs upon the subject before the close of the mail for the north. I shall, nevertheless, bring it to his notice without delay, although I feel perfectly assured that this government will not consent to make any change in its present method of disposing of the article. The Peruvian government relies wholly upon the proceeds of the sales of guano in Great Britain for the payment of the interest of its foreign debt. The sales are made exclusively for account of the government, and must amount at present to nearly three millions of dollars annually, about one-third of which is clear profit to the State. The house of Gibbs & Co., of London, have made frequent loans to Peru, based upon the consignment of

the guano; and, by a recent contract, the government has secured to the firm the consignment of the article until the year 1855. Such is the case with reference to the shipments of guano to England.

Heretofore the same house has been the agent of Peru for the sale of guano in the United States; and, although there is no contract with the firm at this time, still it continues to make shipments for account of the government, under special licenses from the President.

The product of the ton of guano to the government is, I understand, about twelve dollars, when sales are made at forty-seven dollars in the United States, or £9 10s. in England. The remainder is absorbed in expenses of shipping, freight, commission on sales, and other charges. The freight alone from Callao to the United States, or England, is fifteen dollars the ton; and the consignees of a vessel at Valparaiso recently preferred sending her home in ballast, rather than accept twelve dollars per ton of guano from Callao. The statement of Mr. Pollard, that "a free trade in *guano* would bring the price down from fifty dollars to something like ten dollars the ton with us," is therefore essentially erroneous.

The Peruvian government, deriving a profit of about twelve dollars per ton, would certainly not consent to change its system, unless it could be clearly demonstrated that an export duty upon guano would produce a greater amount of revenue. Even then, I doubt whether the parties interested in sustaining the existing system would permit it to be given up.

I shall use my utmost exertions to induce this government to throw open the trade, at least with the United States; but I think there is no prospect of success, unless a discriminating duty be placed upon the article, to encourage the importation of guano from Patagonia and other places; and it is questionable whether such legislation would benefit the consumers. In my next despatch I shall endeavor to furnish the Department with statistics upon this subject.

I am, sir, very respectfully, your obedient servant,

J. RANDOLPH CLAY.

Hon. JOHN M. CLAYTON,
Secretary of State.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate, a copy of the correspondence between the Department of State and the Turkish government on the subject of the Hungarian exiles.

SEPTEMBER 27, 1850.

Read, and ordered to be printed.

To the Senate of the United States:

I herewith transmit to the Senate, in answer to their resolution of the 23d instant, a report from the Secretary of State, with the papers therein referred to.

MILLARD FILLMORE.

WASHINGTON, September 27, 1850.

DEPARTMENT OF STATE,
Washington, September 26, 1850.

The Secretary of State, to whom has been referred the Senate's resolution of the 23d instant requesting the President "to transmit to the Senate, if not inconsistent with the public interest, a copy of the correspondence between the Department of State and the Turkish government on the subject of the Hungarian exiles," has the honor to communicate to the President the following papers, embracing all the information on file in this department which appears to be called for by the resolution.

The information now communicated is derived, as will be seen, from the correspondence of Mr. Marsh, the minister resident of the United States in Turkey. Portions of previous despatches of Mr. Marsh, relating to the same subject, were transmitted to the Senate on the 18th of May last, as a sequel to the executive message of the 28th March, in answer to the Senate's resolution of the 22d of March, 1850.

Respectfully submitted.

DANIEL WEBSTER.

To the PRESIDENT of the United States.

LIST OF ACCOMPANYING PAPERS.

Mr. G. P. Marsh to the Secretary of State, Constantinople, April 18, 1850. (Extract.)

The same to the same, Constantinople, May 15, 1850. (Extract.)

The same to the same, Constantinople, June 19, 1850. (Extract.)

The same to the same, Constantinople, July 4, 1850. (Extract.)

The same to the same, Constantinople, August 19, 1850. (Extract.)

Mr. G. P. Marsh to the Secretary of State.

[Extract.]

[No. 5.]

LEGATION OF THE UNITED STATES,
Constantinople, April 18, 1850.

SIR: Since the date of my last despatch, (No. 4,) the Austrian government has notified the Porte of its acceptance of the terms of *internment* of the Hungarian refugees offered by the Sultan, and the diplomatic relations between Austria and the Porte have been formally resumed. The refugees who were lately at Brussa have been removed to Kutayah, and it is understood that, on the expiration of a year from the date of the Sultan's offer, (which was early last autumn,) they will be released, and allowed to proceed to England or America, as they may desire. The other refugees are still in the interior, and about one hundred of them have expressed a desire to emigrate to the United States, and have applied to me to furnish them with the means of transportation to America, and of subsistence in the mean time. I could, of course, contract no engagements of this sort, and did not feel at liberty to hold out to them encouragement of aid of any description from the American government.

Mr. G. P. Marsh to the Secretary of State.

[Extract.]

[No. 6.]

LEGATION OF THE UNITED STATES,
Constantinople, May 15, 1850.

SIR:

I am aware that the executive government can do little for these persons, [the Hungarian refugees in Turkey,] without the authority of Congress; but, for the sake of humanity, as well as the reputation for generosity which our sympathy for starving Ireland and oppressed Hungary has gained us in Europe, it is most earnestly to be desired that this legation may be empowered to do something to realize the hopes which the suffering refugees still cherish of effectual aid from the American people.

Mr. G. P. Marsh to the Secretary of State.

[Extract.]

[No. 9.]

LEGATION OF THE UNITED STATES,
Constantinople, June 19, 1850.

SIR:

At the request of Governor Kossuth, I asked leave for the refugees to enter the military service of Servia. To this the minister replied, that the Porte must ultimately be responsible for the conduct of the refugees, if it

permitted or sanctioned their employment; that Serbia was a frontier province; their employment there would furnish a plausible pretext of complaint to Austria; and besides this, with the inducements they would have to bring about a rupture between the Porte and Austria, it could hardly be supposed that they could be stationed on the frontier without seriously endangering the peaceful relations now subsisting between the two countries.

The conclusion to which the Porte had arrived, he informed me, was this: The monthly stipend allowed to the refugees remaining at Shumla would be discontinued, and both officers and men set at liberty—those who elect to remain in Turkey receiving a donation of \$11, and those who leave the country \$22 each. This latter sum would nearly suffice to pay their passage to America, if there were now at Constantinople vessels constructed and fitted out for the conveyance of steerage passengers; but there are none such in port, nor, indeed are they to be found in the Mediterranean. The refugees who speak French or Italian will be able, with such employment as they can pick up, and the donation above mentioned, to subsist some weeks; those who are acquainted with Magyar and German only (as is the case with many of them) can get no employment, and must consequently suffer.

Mr. G. P. Marsh to the Secretary of State.

[Extract.]

[No. 10.]

LEGATION OF THE UNITED STATES,
Constantinople, July 4, 1850.

SIR:

Since my last despatch, the Minister of Foreign Affairs offered me to send all the Hungarian refugees, excepting those detained in Asia Minor, who wish to go to America (about two hundred in number) to England, at the expense of the Sultan, if I would undertake, in behalf of the American government, to transport them from England to America. I regret I had not authority to accept this liberal proposal, but was, of course, obliged to decline it.

Mr. G. P. Marsh to the Secretary of State.

[Extract.]

[No. 12.]

LEGATION OF THE UNITED STATES,
Constantinople, August 19, 1850.

SIR:

In my despatch No. 10 I stated that the Porte had offered to transport, at its own expense, as far as Liverpool, such of the Hungarian refugees as desired to emigrate to America, upon condition that the American govern-

ment would provide for their passage from England to the United States. The intercession of the government of the United States in behalf of Kossuth and his companions, but much more especially the strong manifestations of popular sympathy in the United States in the cause of the refugees, had led the Porte to expect, with confidence, that some aid would be lent them, either by the American government or by the voluntary contributions of individuals; and I have reason to think that my refusal to pledge the government of the United States to aid their emigration was received with disappointment, if not with a stronger feeling, by the Porte.

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REPORT

OF

THE SECRETARY OF THE TREASURY,

IN OBEDIENCE

To the resolution of the Senate calling for information relating to the security and collection of the revenue in California, &c.; accompanied by a report from Gilbert Rodman, esq., special agent.

SEPTEMBER 18, 1850.

Ordered to lie on the table.

SEPTEMBER 28, 1850.

Ordered to be printed, and that 500 copies in addition to the usual number be printed for the use of the Senate.

TREASURY DEPARTMENT,
September 17, 1850.

SIR: In obedience to the resolution "that the Secretary of the Treasury be requested to communicate to the Senate a copy of any report that may have been made to the department upon the subject of securing and collecting the revenue from customs, and other matters of public interest, in California, by any special agent appointed by said department, accompanied by such suggestions and recommendations as the Secretary of the Treasury may deem advisable," I send herewith a copy of a report made by Mr. Gilbert Rodman, a special agent of this department, in relation to the public interests in California which are under the direction of the Treasury Department.

In further compliance with the resolution of the Senate, I would respectfully recommend that the new collection districts of Monterey and San Diego be established, with the limits and ports of delivery described in Mr. Rodman's report.

The commercial importance of the towns of Benecia, Stockton, and Sacramento appears to require that there should be extended to them facilities and privileges similar to those provided by the act of 2d March, 1831, "allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez to be secured and paid at those places;" and I would recommend that such provision be made by law, and that they also be made ports of delivery within the district of Upper California.

The large amount of revenue from customs collected at San Francisco, and the extent of its commerce, render it necessary that ample provision be made for the accommodation of the officers of the customs, and the prompt and economical discharge of their important duties. To this end,

I deem it advisable that an appropriation be made for the construction of a new custom-house at that place.

The great number of American seamen frequenting the ports of California, and their claims upon public sympathy when sick and disabled so far from their homes and friends, demand that the relief which existing laws authorize should be liberally extended to this meritorious class of our citizens. To meet these claims, the treasury estimates contained a sufficient amount to defray the ordinary expenditures; and all that is now necessary to ask from Congress is an appropriation to enable the department to construct a marine hospital at San Francisco—which is respectfully and earnestly recommended.

It is believed that the considerations which have heretofore led to the establishment of branches of the mint of the United States apply with increased force to California; and the public interest requires that an assistant treasurer be appointed in that section of our country, in order to carry into effect the laws for the safe-keeping and transfer of the public moneys. I therefore recommend that a branch mint be established at San Francisco, and that the treasurer thereof be constituted an assistant treasurer.

The unexampled growth of the commerce of our Pacific ports, and the fact that there is not one light-house in either California or Oregon, render it necessary that liberal appropriations for lights, beacons, buoys, &c., be made by Congress; and in this connexion, and as of vast importance to our commercial interests, I would commend to the favorable consideration of Congress the vigorous prosecution of the survey of the coast of California and Oregon, and a special appropriation for that object.

In regard to the number, grade, and compensation of officers of the customs, or otherwise under the control of this department, in California and Oregon, it is deemed best to accommodate the regulations respecting them to existing circumstances, and not to establish by law rates of compensation which, while reasonable and necessary at the present time, cannot be regarded as permanent. I would therefore respectfully recommend that, for the present, the compensation of officers of the customs in California and Oregon be fixed by this department, and reported to Congress for such action thereon as may, from time to time, be deemed expedient. It is deemed necessary that there be provision by law for the appointment of a naval officer and an appraiser of merchandise at San Francisco—which is also respectfully recommended.

In presenting these suggestions and recommendations, it has been deemed advisable to endeavor to keep all the proposed expenditures for California and Oregon within the estimated receipts of the revenue from customs within their collection districts; and it is believed that all the appropriations recommended herein may be made at the present session of Congress without affecting any estimates of revenue or expenditure hitherto presented to Congress by this department.

The distance of the officers of the customs in California and Oregon from the treasury, and their peculiar circumstances, render it not merely advisable, but almost necessary, that, until otherwise directed by Congress, the provisions of law, in relation to the payment of the expenses incident to the collection of the revenue from customs, existing prior to the passage of the act of 3d March, 1849, entitled "An act requiring all moneys receivable from customs, and from all other sources, to be paid immedi-

ately into the treasury, without abatement or reduction," shall be made applicable to the several collection districts in the State of California and the Territory of Oregon.

All which is respectfully submitted.

THO. CORWIN,
Secretary of the Treasury.

Hon. WM. R. KING,
*President of the Senate
of the United States.*

WASHINGTON, August 21, 1850.

SIR: In pursuance of instructions, under my appointment, by your predecessor, of the 9th of April last, as special agent of the Treasury Department, to proceed to California to inquire into the condition of the custom-house business at the port of San Francisco, and matters connected with the security and collection of the revenue from customs, &c., in the district of Upper California, I have the honor to submit for your consideration the following report and views upon the subjects referred to in my instructions.

The present organization for securing and collecting the revenue from customs in California is deemed wholly inadequate, under the existing condition of trade and revenue business in that collection district. When the revenue laws were extended over California, and the collection district established, by the act of 3d of March, 1849, the legislation of Congress was framed to meet the case of a minor port of entry only. The existing condition of things, and the great extent of commerce and revenue business which have been developed by the subsequent discovery of gold and the vast emigration to that region, were not foreseen, and hence the want of suitable provisions of law to meet this state of affairs; besides, the want of a United States judiciary in California seriously impedes the proper enforcement of the collection and revenue laws, and moreover deprives the masters and owners of vessels of the usual protection afforded them by law in other collection districts of the United States—which has produced much inconvenience and complaint, especially on the part of masters and owners of foreign vessels, who have been subjected to embarrassments and onerous expenses by reason of the courts and municipal officers at San Francisco undertaking, in cases not warranted by any law of the United States, to exercise admiralty jurisdiction. Further legislation is urgently called for, as well for the greater security and more prompt collection of the revenue, and enforcement of the laws regulating the same, as for the protection of the rights and interests of masters and owners of both American and foreign vessels.

In a revenue point of view, the district of Upper California now ranks with the five principal ports of the Union—the revenue collected being equal, if not greater, in amount, to that of the port of New Orleans. It should therefore, it is conceived, be provided with the full complement of officers and other facilities authorized by existing laws at other principal ports of entry. Hence, at the port of San Francisco there should be provided, in addition to the collector, a naval officer, surveyor, two principal and two assistant appraisers, with an adequate corps of subordinate

officers of the customs and revenue, together with suitable custom-house and warehouse accommodations.

The act of 3d Márch, 1849, before referred to, embraces the entire territory and waters of Upper California in one collection district, with a single port of entry at San Francisco, and establishes ports of *delivery* at Monterey, San Diego, and at the junction of the rivers Gila and Colorado, at the head of the Gulf of California. The remoteness of Monterey and San Diego, especially the latter, from San Francisco, the present port of entry, deprives the citizens of these ports from engaging in the foreign import trade, as foreign merchandise intended for these places must, in pursuance of existing laws, be entered and the duties paid or secured at San Francisco, thus occasioning much inconvenience, delay, and expense to the importer. This is a serious grievance, and calls for the favorable consideration and action of Congress. Monterey and San Diego should be organized into separate collection districts, with a port of entry for each. The district of San Diego should embrace within its limits the towns of Santa Barbara and San Pedro, as ports of delivery, with surveyorships established at said places, respectively. There is already a substantial and commodious custom-house building belonging to the United States at Monterey, formerly used by the Mexican government for that purpose. It is an "adobe" structure, 160 by 40 feet, in a good state of preservation, and contains ample accommodations for the storage of merchandise.

Besides the foregoing collection districts and ports, it becomes expedient and necessary for the interests of the public revenue, and in order to meet the wants and afford proper facilities to the rapidly-increasing trade and commercial enterprise of other portions of California, that districts and ports of entry should also be established at the following-enumerated places, viz: 1. A collection district and port of entry at the town of Benecia—the port of entry to embrace said town and the waters of Karquines straits, and a portion of the waters and shores of Napa bay; 2. A collection district and port of entry at Sacramento City; 3. A collection district and port of entry at the town of Stockton.

Benecia is eligibly situated on the straits of Karquines, between San Pablo and Suison bays, and may be considered the head of ocean navigation, from which it is distant about 35 or 40 miles, and possesses advantages calculated to make it an important commercial port. It can be easily approached at all seasons, and under any stage of water, by the largest class of sea-going vessels, for which a secure harbor and anchorage is afforded. Benecia has been selected as the chief military station and depot in California, and public barracks and store-houses have already been constructed there; it is, besides, the depot of naval stores for our Pacific squadron, and when in port the ships-of-war lie at said place. It is, moreover, the depot of the Pacific line of American steamers.

Sacramento City and Stockton are both enterprising and thriving places; and, being in the vicinity of the mining regions, the most populous portion of California, they are destined to become highly important places in a commercial point of view. The former is situated on the Sacramento river, about 100 miles above Benecia; and the latter on the San Joaquin river, about the same distance from this place. The waters of both these rivers flow into Suison bay; and it is alleged that either of

these towns is accessible at the lowest stages of water to vessels drawing eight feet and under.

The great incentive given to business and enterprise by the discovery of gold in California, and the astonishing rapidity with which that country is becoming populated, present an anomalous condition of things, admitting of no fair comparison or analogy with any other section of our country; and hence, in legislating for that region, proper regard should be had to the peculiar state of affairs there existing, and all safe and reasonable facilities should be afforded by law to aid in the development of its resources, and foster trade and enterprise in this important and surprising portion of the Union. It would, therefore, seem to be the dictate of sound policy to establish districts and ports of entry at the places before indicated, with a view to afford the requisite facilities to foreign and domestic trade at said points, in the event of commerce taking that direction. This appears to have been the policy pursued in the earlier legislation of Congress, as districts and ports of entry were established in several of the original Atlantic States without, it would seem, any reference being had to the then actual condition of commerce and trade of the district and port created, but leaving it to time and circumstances to develop at which of such ports commerce would ultimately centre. For the reasons and causes before adverted to, the exercise of a similar policy seems more urgently called for in the case of California.

The only public building belonging to the United States at San Francisco is an old dilapidated "adobe" building, formerly constructed and used by the Mexican government as a custom-house. It is inconveniently arranged, insecure, and altogether unfit to be used for custom-house purposes at that port. The lot on which the building stands is conveniently situated for a custom-house, fronting on Portsmouth square 275 feet, with a depth of 60 feet. The building at present occupied as a custom-house is a substantial and commodious four story brick building, partially fire-proof, conveniently situated for business, and taken by the collector at a rent of three thousand dollars per month, which, according to the rates ruling at San Francisco, is not considered unreasonable; and I do not think a building of similar capacity and character can be leased on more favorable terms. I am clearly of opinion, however, that it would prove economical on the part of the government to construct a suitable fire-proof building upon the old custom-house lot on Portsmouth square, in which accommodations might also be provided for the post office. From information obtained at San Francisco, I feel very confident that a building of the description referred to can be constructed for two hundred thousand dollars. I should not think it expedient for the government to erect public stores or warehouses at said port, as secure and convenient private stores can, it is believed, be obtained to accommodate bonded goods without expense to the United States—the owners being remunerated from the storage charged upon the goods. A public marine hospital at said port is required, or some arrangements authorized by law to contract with the proprietors of private hospitals to board and take charge of sick and disabled seamen entitled to the benefits of the hospital fund. The present charges for these services are so far beyond the rates existing on the Atlantic seaboard, that special legislative authority is thought to be necessary to meet the case. Should it be deemed expedient to erect a

building for the purpose, it might be placed upon a portion of the ground reserved for government objects at the aforesaid port.

In addition to the other public buildings mentioned, a branch of the United States mint should be established at San Francisco. A portion of the ground reserved at that place for government purposes on "Rincon Point," it is thought, would afford a suitable location for the mint, as the building would be exempt in that situation from the risk of fire, to which it would be subjected if placed on any of the other government reservations, in the heart of the city. Such an establishment would afford a safe depository for the public funds, besides being a measure essential to the interests of industry in all its departments, and to all classes of population—as well those engaged in commerce and trade as those employed in mining operations—by furnishing to all, what is imperatively required, a sound standard of currency, and securing to the latter a just and legal equivalent for the production of their labor; and would, moreover, prevent, in a great measure, the exportation of gold dust to foreign countries for coinage, and its return in coins of denominations and values different from our own.

The government reservations before alluded to are laid down on the accompanying map of the city of San Francisco—which reservations, it is understood, were originally made by General Kearny. By the accompanying copy of a letter to Collector Collier, marked A, enclosing an order issued by General Riley, under date of the 16th November, 1849, it will be seen that "so much of the government reservations at San Francisco as may be required for custom-house purposes" was proposed to be transferred to the Treasury Department, to be designated by the collector of the customs. It does not appear, however, that the collector ever made any selection under this order. It would appear, also, from the copies of indentures herewith, marked B and C, purporting to have been entered into by Captain E. D. Keyes, with the sanction of General Riley, and bearing date the 27th day of November, 1849, respectively, that all the lands reserved for government purposes at San Francisco were leased for the term of ten years, under certain mentioned conditions and reservations, to Theodore Shillaber and John B. Steenberger. I cannot discover, however, that these leases have ever been approved by the proper authorities at Washington.

As these reservations for the use of the United States embrace more land than is conceived to be needed for any public objects at San Francisco, it is respectfully suggested that such portions as may not be required for custom-house and other purposes hereinbefore indicated, as also for the site of a building for the accommodation of the United States courts when established, should be relinquished to private ownership, on reasonable and equitable conditions, giving the preference to those parties who may have occupied and improved the same, under permission, by lease or otherwise, of the United States officers in authority at San Francisco, during its military occupation. This recommendation, of course, has reference only where the title to the reservations may be found to be clearly vested in the United States.

Although the subject of light-houses, beacons, &c., is not specifically embraced in my instructions, my attention was nevertheless given to the matter; and I beg leave to submit herewith, marked D, a copy of a letter addressed to me, on my suggestion, by Lieutenant Thomas A. Budd, of

the United States navy, commanding the United States mail steamer California, whose experience on that portion of the coast of California lying south of the bay of San Francisco has afforded him ample opportunities of obtaining correct information on the subject; and, being an officer of much ability and high standing in his profession, I feel that I can safely commend his suggestions and recommendations to the favorable consideration of the department. The accompanying communication from Captain D. Ottinger, of the United States revenue marine, marked E, furnishes information on the same subject in regard to that portion of the coast north of the bay of San Francisco, up to the 42d parallel of latitude. Captain Ottinger has had much experience on the portion of the coast he describes, and is an officer in whose opinions and recommendations on this subject the most implicit reliance may be placed.

In consideration of the very high prices of living in California, the present compensation allowed the officers of the customs and revenue are entirely inadequate to afford them a comfortable living, or a proper remuneration for their services, and urgently calls for some special legislation on the subject. In the absence of such legislation, it would seem proper that the department, in the exercise of the discretion given by the joint resolution of Congress adopted on the 14th of February last, which contingently suspends the "restriction by law upon the amount of salaries in California and Oregon," should prescribe such compensations for said officers as may be thought reasonable and suitable under the existing condition of things.

For the officers of the customs and revenue at present authorized by law in California, I would respectfully suggest the following rates of compensation, to wit:

The collector of the customs at San Francisco, a maximum compensation of \$10,000 per annum.

The deputy collector at San Francisco, \$5,000 per annum.

The deputy collectors at Monterey, San Diego, and at the junction of the rivers Gila and Colorado, \$2,000 per annum each.

Four clerks in custom-house at San Francisco, \$300 per month each.

Eight clerks, \$250 per month each.

Two special clerks to attend to appraisements, \$275 per month each.

Sixty inspectors of the customs, at a per diem rate not to exceed \$6 each.

One inspector to act as boarding officer, at a per diem rate not to exceed \$8.

Two hands for revenue boat, at a per diem rate not to exceed \$5 each.

One messenger and porter for custom-house, \$100 per month.

Two watchmen for custom house, \$130 per month each.

One inspector of the customs at Santa Barbara, at \$4 per day.

One inspector at San Pedro, at \$4 per day.

A proportionate increase to the foregoing should likewise be made to the pay of the officers and men attached to the revenue-cutter service in California, to be regulated according to their rank and duties, respectively.

In the event of a full complement of officers at the port of San Francisco being authorized by Congress, the following compensations are suggested, viz:

The naval officer, a maximum compensation of \$8,000 per annum.

The surveyor, a maximum compensation of \$7,000 per annum.

These officers would require about six clerks each, at similar rates of compensation to those herein recommended for the clerks in the collector's office.

The two principal appraisers should be allowed \$6,000 each per annum; and the two assistant appraisers, \$4,000 each per annum. Four or five clerks would be needed in the appraisers' department, at rates of compensation similar to those suggested for the collector's office.

Should collection districts and ports of entry be established at Benecia, Sacramento, and Stockton, the collectors of said ports ought to be allowed each a specific salary of \$3,000, with a maximum compensation of \$5,000 per annum each, dependant upon their commissions and fees.

In conclusion, I beg leave to observe that the interests of commerce and navigation on the western coast of the United States have already risen to an importance and magnitude hardly to be conceived by any one who has not witnessed the commercial activity displayed at all the business points in California. The proverbial energy and enterprise of our citizens is exhibited in stronger contrast on the shores of the Pacific than anywhere else. From an insignificant hamlet in 1848, San Francisco has, in the short space of two years, become a compact and flourishing city, containing upwards of 30,000 inhabitants, with its harbor literally crowded with vessels representing nearly every commercial nation on the globe. Without, at this time, the agricultural or manufacturing ability to feed or clothe her population, California may, nevertheless, be regarded as having at her command every species of product that enters into the commerce of the world, by reason of being possessed of an inexhaustible supply of that precious commodity which constitutes the common representative and standard of value, and cannot fail to attract to her ports an important portion of the commerce of the world. Besides, the rapid increase of population and trade, and the rich development of mineral resources referred to, demonstrate the ability of California to maintain a large and profitable exchange for whatever products commerce may bring to her shores. This peculiarity of condition must, it is thought, ere long, make California an entrepot of commerce, and a point where merchandise will be collected to be exported thence to the numerous markets springing into importance on the Pacific coast of South America, and those of Asia, Australia, and the islands of the Pacific and Indian oceans.

Looking, therefore, at the advantages of position, resources, and the progress California has already made, there is every reason for a confident expectation that she is destined to become, at no distant day, the centre of a wide-spread and profitable commerce, yielding a very large revenue to the public treasury; and it may not, I trust, be deemed over sanguine to expect a revenue from customs from that region equal to any of the larger ports of the Union, with the exception of New York.

All which is respectfully submitted, by your obedient servant,

GILBERT RODMAN.

Hon. THOMAS CORWIN,
Secretary of the Treasury.

A.

HEADQUARTERS TENTH MILITARY DEPARTMENT,
Monterey, California, November 18, 1849.

SIR: I have the honor to enclose herewith a copy of department orders No 59, transferring to the Treasury Department so much of the government reservations at San Francisco as may be required for custom-house purposes. Captain Keyes, third artillery, the commanding officer at San Francisco, has been instructed to call upon you, whenever you think proper to make the selection. In consequence of the disposition manifested at San Francisco to encroach upon these reservations, it is desirable that the selection should be made at your earliest convenience, in order that so much of the reservation as is not immediately required for public purposes may be leased out. Captain Keyes has a copy of the map of these reservations, as originally selected. I will send you, as soon as they can be copied, all the papers affecting the titles to these lands.

Very respectfully, your obedient servant,

B. RILEY,

Brevet Brig. Gen. U. S. A., commanding the department.

Colonel J. COLLIER,

Collector of the District of California.

Special orders No 59.

HEADQUARTERS TENTH MILITARY DEPARTMENT,
Monterey, California, November 16, 1849.

So much of the government reservations at San Francisco as may be required for custom-house purposes is hereby transferred to the Treasury Department—the selection for this purpose to be made by the collector for the district of California, in conjunction with the commanding officer of the Presidio of San Francisco. When made, the latter will cause the lot so selected to be surveyed and (the boundaries to be) distinctly marked out. This transfer will be subject to the approval of the Secretary of War and the commander of the Pacific division.

By order of General Riley:

EDWARD R. S. CANBY,
Assistant Adjutant General.

B.

This indenture, made the twenty-seventh day of November. in the year of our Lord one thousand eight hundred and forty-nine, by and between Captain E. D. Keyes, United States army, commanding at San Francisco, Upper California, and Theodore Shillaber, of the same place, witnesseth: That the said E. D. Keyes, as agent of the United States, by and with the authority of Brevet Brigadier General Bennet Riley, United States army, commanding the 10th Military Department, doth hereby lease, demise, and let to the said Theodore Shillaber, his heirs and assigns, all the lots, parcels, and blocks of ground in the town of San Francisco,

Upper California, which have hitherto been set apart, indicated, or known as "government reserve," and which are embraced, 1st, by Montgomery street on the west, Jackson street on the north, Washington street on the south, and the limits of the town or deep water on the east; and 2d, by what is commonly known and indicated on the map of said town as "Rincon Point"—the second piece or parcel of ground embracing all that has heretofore been set apart as government reserve on "Rincon Point" and its immediate neighborhood:

To hold for the term of ten years from the twenty-seventh day of November, A. D. one thousand eight hundred and forty nine, subject to the following conditions and exceptions, to wit:

1. The said lessee yielding and paying to the officer of the quartermaster's department on duty at San Francisco, or to such other person as may be duly appointed to receive it, for the benefit of the United States, the sum of two thousand dollars for each and every year.

2. To acquire for and surrender to the United States, at the expiration of this lease, all titles and claims belonging to or held by other persons and all persons in and to the whole or any part of said premises.

3. To pay all taxes and assessments which may be laid on the premises, or any portion or portions of them, after they shall come into the possession of said lessee, by the proper authorities.

4. After the expiration of five years from the said twenty-seventh day of November, to surrender to the United States such portion or portions of the premises as may be required for the actual uses of the government, and which may be called for by the proper authorities: it being understood, that in case claim should extend to portions of the premises upon which large amounts of money shall have been expended in permanent improvements, the said lessee shall be allowed a fair compensation for such improvements, to be determined by three disinterested men, impartially selected, according to usual forms; if no such claims are made for the purposes specified in this article, the said lessee to have quiet and peaceable possession for the whole ten years aforesaid.

5. In case the United States shall claim and appropriate any portion or portions of the premises, before the expiration of the term of this lease, then, in such case, the said lessee shall be allowed not less than ninety days to remove the buildings thereupon, or the United States government may, at its option, purchase the same, upon the valuation of three men, selected as aforesaid; and the same conditions respecting the removal or purchase of the buildings shall hold at the termination of this lease.

6. The said Shillaber agrees honestly and faithfully to defend and protect the interests and rights of the United States in and to all and every part of the lands embraced in this indenture; but if it shall be decided by the proper tribunals that any other person or persons' papers are valid and bona fide titles to any portion or portions of them, and if such person or persons shall now have or shall obtain legal possession thereof, then in such case the portion or portions so claimed and obtained shall be considered as not embraced in this indenture of lease—this indenture holding good, with all its conditions and exceptions, to all other parts and portions of the premises herein described.

7. In default of the payment by the said lessee, within the year for which it is due, of the two thousand dollars aforesaid, this lease to become

null and void, and the said lessee to surrender the premises to the United States.

8. At the expiration of the ten years aforesaid, the said Shillaber agrees to surrender the whole premises peaceably to the United States—it being understood that, should the lessee be required to surrender any portion or portions of them before the expiration of ten years, a fair correspondent diminution of the rental of \$2,000 is to be allowed him.

9. The said Shillaber agrees not to allow any person whatsoever to participate in the uses or profits of the premises herein described who does not fully and without reservation or predisposition of his claims subscribe to all the conditions of this lease.

In witness whereof, the said parties to this indenture have hereunto set their hands and seals, and the day and year first above written.

THEO. SHILLABER. [L. s.]

E. D. KEYES, [L. s.]

Capt. 3d Art'y, commanding at San Francisco

Executed in presence of—

ROBERT R. PIERPONT,

THOS. G. PEACHY.

Additional Articles.

It is understood that at the termination of this lease the said Shillaber is not to claim, nor are those holding under him to claim, any compensation for any excavations or embankments made upon such portion of the premises as he may hold during the whole ten years.

THEO. SHILLABER. [L. s.]

E. D. KEYES, [L. s.]

Capt. 3d Art'y, commanding at San Francisco.

Witnesses:

ROBERT R. PIERPONT,

THOS. G. PEACHY.

TERRITORY OF CALIFORNIA, }
District of San Francisco, } ss:

Before me, first alcalde of said district, personally appeared the within-named E. D. Keyes and Theodore Shillaber, who acknowledged the within instrument to be their voluntary act and deed, for the purposes therein mentioned.

Given under my hand, this 29th November, A. D. 1849.

JNO. W. GEARY, *First Alcalde.*

Approved:

B. RILEY,

Brevet Brig. Gen. U. S. A., commanding the department.

HEADQUARTERS MILITARY DEPARTMENT,

San Jose, California, December 20, 1849.

Recorded in the office of the alcalde, in book "K," in pages 10, 11, and 12, December 28, A. D. 1849, at 1½ o'clock p. m.

ARD. REYNOLDS, *Recording Clerk.*

I hereby certify that the within is a true copy of the original lease, as recorded in this office, in San Francisco, this 28th day of December. A. D. 1849.

JNO. W. GEARY, [L. s.]
First Alcalde, and Judge of First Instance,
District of San Francisco.

C.

This indenture, made this twenty-seventh day of November, in the year of our Lord one thousand eight hundred and forty-nine, by and between Captain E. D. Keyes, United States army, commanding at San Francisco, Upper California, and John B. Steenberger, of the same place, witnesseth: That the said E. D. Keyes, on the part and in behalf of the United States, doth hereby lease, demise, and let unto the said John B. Steenberger all those lots, parcels, and blocks of ground (in the said town of San Francisco, known and indicated on the map of said town as "government reserve") which are embraced between Broad street on the north, Pacific street on the south, Sansom street on the west, and on the east by the limits of the town on the side of the water: to have and to hold the same, to him, the said John B. Steenberger, his executors, administrators, and assigns, to his and their use, for and during the full term of ten years from the day of the date hereof, on the terms and conditions, that the said John B. Steenberger shall pay therefor the yearly rent of three thousand dollars during said term, in the manner hereinafter provided. And the said Captain E. D. Keyes, for and on behalf of the United States, covenants with the said John B. Steenberger, his executors, administrators, and assigns, that he and they may and shall occupy these hereby-leased premises during the term aforesaid peaceably and quietly, and free from all claim or demand from the United States. And the said John B. Steenberger, for himself, his executors, administrators, and assigns, doth covenant with the said lessor that he, the said lessee, will pay to the said lessor, yearly, the sum of three thousand dollars, to the said E. D. Keyes, for the use and benefit of the United States, or to his successor in office, or other person duly authorized to receive it. And the said John B. Steenberger agrees to acquire for and surrender to the United States, at the expiration of his lease, all titles and claims belonging to or held by other persons in and to the whole or any part of said premises; to pay all taxes and assessments which may be laid upon the premises by the proper authorities; to surrender to the United States, whenever called on so to do, one lot or parcel of ground embraced in this indenture two hundred and fourteen feet long and one hundred and twenty feet broad—said lot to be located on Broad street, and to commence sixty feet east from Battery street, having its greatest length on Broad street; said lessee being allowed not less than sixty days to remove his buildings from said lot, whenever it shall be required for the use of the United States. The said Steenberger agrees honestly and faithfully to defend and protect the rights and in-

terests of the United States in and to all and every part of the lands embraced in this lease. But if it shall be decided by the proper tribunals that any other person or persons possess a valid and *bona fide* title to any portion or portions of them, and if such person or persons shall now have or shall obtain legal possession thereof, then and in such case the portion or portions of land so claimed and obtained shall be considered as not included in this indenture or lease—this indenture holding good, with its conditions, to all other portions and parts of the premises herein described. In default of the payment of the three thousand dollars aforesaid within the year for which it shall become due, this lease to become null and void, and the said lessee shall surrender to the United States the land as herein described and leased. At the expiration of ten years, the premises to be surrendered peacefully to the United States—the said lessee reserving to himself the right, at the expiration of the ten years, to remove all his buildings; but he is to make no claim against the United States for excavations or embankments which he or his successors may have made or put upon the premises. The said Steenberger agrees not to allow any person whatsoever to participate in the uses or profits of these premises who does not fully and without reservation or predisposition of his claims subscribe to all the conditions and exceptions of this lease.

In witness whereof, the said parties have hereunto set their hands and seals, on the day and year first above written.

E. D. KEYES, [L. s.]
Captain 3d artillery, commanding at
San Francisco, Upper California.
 JOHN B. STEENBERGER. [L. s.]

Witness: T. BUTLER KING.

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 TERRITORY OF CALIFORNIA,
District of San Francisco, November 29, 1849.

Personally appeared the above-named E. D. Keyes and John B. Steenberger, and the persons who signed the foregoing instrument, and individually acknowledged the same to be their free act and deed.

Before me,

JNO. W. GEARY, *First Alcalde.*

I certify that I have compared the above with the original, and find it to be a true copy.

H. G. J. GIBSON,
Lieutenant United States Army.

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 D.

UNITED STATES MAIL STEAMER "CALIFORNIA,"
At sea, July 15, 1850.

MY DEAR SIR: The subject of light-houses, fog-bells and the other requisites by which the navigation of this imperfectly surveyed coast of the North Pacific may be simplified, has become, within the past year, of such importance to so large a number of our fellow-countrymen as to

render it imperative upon the government to do all in its power, and as speedily as possible, towards their establishment. It is, therefore, with very great pleasure that I comply with your request for my opinion respecting their location.

Commencing at the southern boundary of our territory:

1st. At Point Loma, the northern extremity of the entrance to the harbor of San Diego, there should be a revolving light and fog-bell of large size; and on the low sand-point forming the northern side of the narrow entrance there should be a colored beacon-light.

In the course of time there will probably be a light-house and fog-bell established on the Coronados islands, which lie to the southward of San Diego, and are very conspicuous landmarks to that harbor; but at present I presume Congress would not be disposed to incur the expense.

2d. At Point Vicente, or Vermine, the western extreme of the land near Port San Pedro, (the seaport of Los Angeles,) within the Santa Barbara canal, there should be a permanent light and a fog-bell of large size.

3d. At Point Conception, at the northern extreme of the entrance to the Santa Barbara canal, should be a revolving light and a fog-bell of large size. This is one of the most important points on the coast, where fogs and bad weather prevail—so much so as to have obtained for it the *soubriquet* of "Little Cape Horn." A light on the western point of the island at the southwestern extreme of the canal, or on the ledge of rocks (Lobos rocks) off it, which are said to be so dangerous to vessels getting too far to the southward, when bound into the canal, would be desirable. The prevailing currents along this coast are to the southward, but are uncertain in their force.

4th. At Point Lobos, the westernmost land to the southward of Monterey bay, is a very desirable point for a light-house, as a leading mark up the coast; but

At Point Pinas, the southwestern extreme of Monterey bay, there should be a light and a fog-bell.

At Point Avia Nueva, the northwestern extreme of Monterey bay, a light and fog-bell would add to the safety of navigating this foggy coast, and would obviate the necessity of standing over for the Farralleones, from whence to direct the course for the entrance of San Francisco, especially for coasting vessels from the southward.

5th. The Farralleones islands, about thirty miles westward of San Francisco, is probably the most important point whereon a light, fog-bell, &c., should be placed upon the most extensive scale. It is the landmark for all vessels except those bound along up the coast from the southward. And it is there that the pilots for that port (San Francisco) contemplate to establish their headquarters.

At Point Boneta, the northwestern point of the entrance to San Francisco, there should be a light-house and fog-bell; and at the Presidio Point, where the old fort stands, there should be a colored beacon-light, as also, a beacon-light on Alcatrazes island, as leading-in marks.

To the southward of our boundary, along the Mexican coast, it is exceedingly important to our commercial interest that lights should be established at the San Benito islands, (off Cerras islands,) at Cape St. Lucas, at Mazatlan, at Isabel island, (off San Blas,) at the island of Cervatica, (off Cape Corrientes,) and at Acapulco; and for vessels bound to

and from Panama, the island of Quicaro, (off Quibo island,) Point Malo, and the bastion at Panama, are very desirable points for light-houses.

As the construction of stone houses would require more delay than should be allowed, I would suggest that those of iron be sent out from the United States, and temporarily put up, so that the lanterns could be, if necessary, transferred at a future period to more durable edifices.

A knowledge of the direction and strength of the currents existing along the coast is also very desirable. I would therefore suggest that, in case it should be found impracticable to employ the vessels of the coast survey on other duty at present, some attention be given to this subject, when a small force could do such service.

Truly, your friend,
THOS. A. BUDD.

To G. RODMAN, Esq., *present*.

P. S. I do not consider myself sufficiently well acquainted with the coast to the north of San Francisco to give an opinion regarding it.

E.

SAN FRANCISCO, June 19, 1850.

DEAR SIR: As I have sent you a sketch of the coast and rivers between latitude 36° and 42° and longitude 21° and 24° , I have concluded to send some remarks respecting the topography, as well as notes on the character of the soil, timber, and points likely to become of commercial importance; and, as you desire to obtain information connected with the Treasury Department, I will take the liberty of suggesting where, in my opinion, light-houses, beacons, and buoys will be useful.

In a western direction from the entrance of the bay of San Francisco, at about twenty-four miles distant, are the rocky islets called the "Farralleones." These islands are generally bold, and may be approached in daylight without danger. I passed between them when in command of the barque "Hope," and could not get bottom with thirty fathoms of line; but a light is much needed on the southern extremity of this group. At the distance of eighteen miles, in nearly a due north course, is a high ridge of land running out from the main line of coast at nearly a right angle, which, with the Farralleones, is almost an unmistakeable mark for this port. There is a dangerous reef of rocks which puts off about two miles from a high sand bluff about half-way between the north cape of the entrance to this bay and *Point de Reés*, (the name of the high ridge referred to above.) Several vessels have touched upon it; and a schooner under my command was seriously injured by striking upon it, while beating up the coast. A conspicuous beacon is much needed at this point, as the rocks composing the reef are mostly of pinnacle form, and show no breaker at high tide, unless the sea is heavy. There is good anchorage between the reef and the mainland in from four to eight fathoms, and smooth riding with the regular wind, which blows from the northward and westward, and often very heavy during the months of June, July, August, and September. From November till May the north-west wind is light, or generally so, and does not "blow home" to the land; but strong gales are then frequent from southeast.

The land from this point to Bodega is generally high and of sterile ap-

pearance, without trees, except in the valleys; but, between *Point de Reés* and Bodega, the land gradually declines to the sea, and again rises abruptly as you go to the north, continuing with but little change in its appearance until you pass "Pinnacle Rock," when the trees begin to show themselves, and the land again declines towards the sea, but continues high, with irregular outlines, the timber becoming more abundant and the hills more verdant. Although there is but little beach, and the shore precipitous, yet the soundings are generally regular, and the lead will give due notice when approaching the land. The coast is lined with rocks, but none, except near the shore, until you reach Cape Mendocina, where an islet lays off, about a mile from the beach, and some dangerous rocks, which are almost covered at "full sea," about two and a half miles outside of it, leaving a clear channel between them. After passing the cape to the northward, at about ten miles distant, the land falls off, and a valley opens, of some fifteen miles in width, with sand beach and meadow land near the coast. A fine river here empties into the ocean, and, as I am informed, is navigable for vessels drawing eight feet for forty miles from the sea. The valley through which it passes has been described to me as being exceedingly beautiful, and peculiarly adapted to agriculture, with timber and open land in almost just such proportions as the farmer would wish to have it, and streams on nearly every quarter section. The latitude of entrance to the river is $40^{\circ} 40'$; but the breakers on its bar are so formidable that steamers only could pass in and out without great danger of being thrown on the shoals. At about four miles north of this, the land rises suddenly to a ridge of moderate height, which is about a mile in width, when the land again falls to a sand beach and low land, which continues to latitude $40^{\circ} 48'$, and is there terminated by the entrance to "Humboldt Harbor," or bay. This sheet of water is eighteen miles long and from one to four wide, with an entrance of about one-fourth of a mile in width, and four fathoms on the bar at low water, through which the tide sets at the rate of three and three and a half knots. This bay has capacity to shelter securely three hundred sail of ships. The land on the shore of the bay is highly fertile, and rises gradually to the mountains. The timber is of gigantic growth, and sufficient open land for agricultural purposes. The woods abound with elk and deer, and the waters with fish and fowl. The streams are numerous, clear, and rapid, but none sufficiently large for commercial purposes, except rafting timber. The gold diggings on Ringe river and the Hameth, (the miners' Trinity river,) are within forty miles of Humboldt, and the distance has been travelled on foot in one and a half days.

From this point to Trinity bay the land rises gradually, but retains its fertile character, with thick woods and open land, and a fine sand beach, with streams of sufficient fall and power for milling purposes. The bay or anchorage at Trinity is a little cove, with good holding ground, but no shelter, except from the northwest wind. There is also a road from this point to the mines.

After passing Trinity bay, the coast again becomes rocky, with a narrow beach and bluff banks close to the sea, except in the immediate vicinity of the streams and rivers. At twelve miles north of Trinity there is a large rock rising out of the sea, at four miles from the shore, with deep water all around it. The land has the same appearance of fertility, and the soil is deep and rich at every point where I examined; but the coast

becomes more precipitous as you go north until in latitude $41^{\circ} 34'$, where a sand beach intervenes at the mouth of "Ringe" river, which I passed into, and was the first to show the glorious "stripes and stars" within its bar. From this river to "Point St. George" the land is high, and no timber near the coast; but, about three miles south of this rocky cove, it again declines, and is rich in timber and herbage. The rocks extend off from this point about four miles, and the land continues low and well timbered for some distance to the north; but, as I did not examine the coast further than latitude $41^{\circ} 42'$, I cannot write anything respecting it. I can say, however, that I consider the navigation safe and easy. The currents are strong near the shore, and seemed to set with increased motion to the south for two days after the change of the moon, and north at and near its full.

The mean rise and fall of tide at Cape St. George is about 9 feet, and at Ringe river the same. High water in full, and change at 1 p. m.; and at Humboldt, at 15 minutes past noon; mean rise and fall at the latter place, 8 feet.

I do not think that the width of the strip of land suitable for agriculture which runs along the coast is more than twelve or fifteen miles, except in the valley of Humboldt and Eel river.

At present it does not occur to me that lights are needed at any other points than those already mentioned; nor do I see the least necessity for more ports of entry than now exist. An officer may be needed at Humboldt or Trinity in six months or a year hence; but none but coasting craft will go there for some time to come, and any illicit trade would be at once reported by the persons residing there.

I am, dear sir, very sincerely, yours,

D. OTTINGER, *U. S. R. M.*

G. RODMAN, Esq.,

U. S. Treasury Department.

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